

ALLAHABAD

Original Application No.35 of 1992

Smt Nafessa Khatoon .. applicant

VERSUS

Union of India and others .. Respondents

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HON'BLE MR MAHARAJDIN MEMBER-J

This is an application under Section 19 of the Administrative Tribunal Act 1985 for issuing direction to the respondents to pay the deducted amount of Rs.35727=80 paise from the D C R G of late Shri Aulad Ahmad, husband of the applicant.

The applicant's husband was lastly posted as S.S.(Staff) in staff section of D.M.T. Allahabad. While working as Cashier in the year 1982 when he was carrying Rs.35,000=00 , some miscreants snatched the whole amount. Shri Aulad Ahmad expired on 29 03 88 due to cancer disease. After his death, respondent No.3 had sanctioned financial assistance to the applicant of Rs.2,000=00 vide letter dated 20 07 88 (Annexure A-3). The respondents have deducted Rs.35,727=80 paise out of the total amount payable at D C R G towards the recovery of the money which was snatched from the possession of deceased Aulad Ahmad. Hence the applicant who is the widow of Aulad Ahmad, has come up in this Tribunal for redress.

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The respondents filed Counter Reply, but have² not seriously disputed the claim of the applicant.

I have heard the learned counsel for parties.


The respondents have filed letters addressed to General Manager Tele-Communication, U P Circle, Lucknow (Annexure CA-1) and Dy General Manager, Telecommunication (Administration) (Annexure CA-2) in which it has been clearly said that the amount which was entatched from the deceased Aulad Ahmad has been written off. Thus in view of these letters filed by the respondents, no recovery is to be made for the loss of the amount from the possession of the deceased Aulad Ahmad. It is to be pointed out that the deduction from the amount of D C R G was said to have been made by way of punishment, but no departmental enquiry was held nor Aulad Ahmad was afforded any opportunity of being heard. The departmental proceedings were, however, contemplated but on account of the death of Aulad Ahmad, the same could not be finalised.

Thus in view of the discussions made above, I am of the opinion that the applicant, who is the widow of the deceased Aulad Ahmad, is entitled to get the unpaid amount of D C R G.

The application is accordingly allowed with the direction to the respondents that the remaining amount of



D C R G i.e. Rs.35,727=80 (Rupees thirty five thousand seven hundred twenty seven and paise eighty) only of Aulad Ahmad be paid to the applicant, widow of Aulad Ahmad, within a period of two months together with interest from 20 07 88 at the rate of 7% per annum , from the date of communication of this order. There will be no order as to cost.


22.4.93
MEMBER-J

Dated:Allahabad
April 22, 1993.

(VKS)
