

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 070 of 1992

Allahabad this the 07th day of December, 1999

Hon'ble Mr. S.K.L. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Brinaspati Ram Verma, s/o Shri P.H. Verma, Junior
Telecom Officer C / O D.E. Digital Tax, Varanasi-2,
h/o 3a-1/164-7, Mahulnagar Colony, Pandeypur, Varanasi Cantt.-221002.

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. Telecom District Manager, Varanasi-2.
2. Chief General Manager, Telecom U.P. Circle, Lucknow.
3. Union of India through Secretary, Ministry of Communications, New Delhi.

Respondents

By Advocate Shri Amit Chhalekar

ORDER (oral)

By Hon'ble Mr. S.K.L. Naqvi, Member (J)

The applicant has come up with the prayer to set aside the order for recovery of Rs. 28,400/- from his pay and also the amount which has already been recovered, ^{ordered to be} refunded to him.

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2. As per applicant's case while, he was posted as J. I. O. (I), Mugnalsarai, he was served with an order, copy of which is annexure A-1, for recovery of Rs. 28,400/- and the respondents proceeded with the recovery by deduction from his pay at the rate of Rs. ~~2000~~^{1000/-} per month. The applicant made a representation⁵, copy of which is annexure A-2, A-3 and A-4, to get information as to why and on what ^{to the C.A.} ground ^{five} conclusion, the amount is being deducted but as per his case, the respondents kept a deaf ear to his request. Consequently, he has come up before the Tribunal.

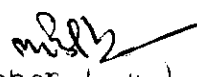
3. heard, the learned counsel for the applicant and Shri Amit Shahalekar, learned counsel for the respondents who has opposed the prayer in the O.A. mainly on the ground that the impugned order, copy of which is annexure A-1 to the O.A., gives details of the Vouchers against which the recovery has been fixed.

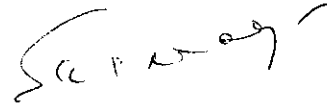
4. Taking into consideration the pleadings and the annexures filed by the applicant, we find that in spite of applicant's repeated requests, he has not been furnished with the details for which recovery is being made from his salary, to which he is entitled ^{only} not/under principle of natural justice but also under the rules in this regard and it appears that the opportunity has not been allowed to him.

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5. With the above facts in view, we find that the impugned order has been passed without giving any opportunity to the applicant to explain his position and represent against the same and no inquiry has been held as prescribed under rule 6 and therefore, the order of recovery, copy of which is annexure A-1, is set aside and the amount already recovered, be refunded to the applicant. However, it will be open for the respondents to re-open the issue and conduct inquiry as per rules. No order as to costs.


member (A)


Member (J)

/M. M./