

open court

Central Administrative Tribunal  
Delhi Bench  
Delhi Bench

Original Application No. 670 of 1992

Almora this the 07th day of December, 1999

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

Brinaspatri Ram Verma, 4/o Shri P.K. Verma, Junior Telecom Officer C / C D.E. Digital Fax, Varanasi-2, 4/o 2a-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 Shalekar

Question ( 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, be refunded to him.

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2. As per applicant's case while, he was posted as J.I.C. (I), Mughalsarai, 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.1000/-~~<sup>Rs.100/-</sup> per month. The applicant made a representation, copy of which is annexure A-2, A-3 and A-4, to get information as to why and on what ground <sup>Ques</sup> 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 Shukla, learned counsel for the respondents who has opposed the prayer in the U.A. mainly on the ground that the impugned order, copy of which is annexure A-1 to the U.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 inspite 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 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.

See also 97

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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.

M. M.  
Member ( A )

S. C. S.  
Member ( S )

/ M. M. /