

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 08th day of January, 2003.

Original Application No. 199 of 2000.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.

S.K. Thapa S/o Late Vikram Singh Thapa
C/o Mukteshwar Academy R/o Vill. Sewla Kala,
P.O. Majra, Dehradun- 248171.

.....Applicant

Counsel for the applicant :- Sri V.K. Singh (absent)

V E R S U S

1. Union of India through the Secretary M/o Agriculture, New Delhi.
2. Central Soil and Water Conservation Research and Training Institute, 218, Kaulagarh Road,, Dehradun through its Director.
3. The Sr. Administrative Officer, Central Soil and Water Conservation Research and Training Institute, 218, Kaulagarh Road, Dehradun- 248 195.

.....Respondents

Counsel for the respondents :- Sri B.B. Sirohi

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C)

By this O.A applicant has challenged the order dated 31.12.1999 by which he was required to pay Rs. 73,812/- as value of the item found short in store. Applicant was required to pay the amount by 31.01.2000, failing which direction has been issued to recover the amount from his salary.

2. The facts of the case are that the applicant was serving as Store Incharge/Senior Clerk in Central Soil and

Water Conservation Research and Training Institute, Dehradun since 1979. In the year 1990, the applicant was transferred to Pension Section as Senior Clerk. He was directed to hand-over the charge of store to Sri T. Gurumurti. The applicant handed-over the charge. However, in April, 1994 applicant again transferred to the Central Store of the department as Store Clerk where he worked till December, 1994 and thereafter he again transferred to the Accounts Section as an Assistant where he worked upto January, 1998. The applicant ^{was then} ~~again~~ transferred to Audit Section as an Assistant. ~~In January, 1998~~. Various items were found short the recovery of which has been directed against the applicant. The applicant has prayed to quash the order dated 31.12.1999 on the ground that no enquiry has been held by the respondents. It is also stated that the reply submitted by the applicant was not considered by the respondents before passing the order. The order has also been challenged on the ground that it has been passed in violation of principles of natural justice.

3. Respondents have filed counter reply denying the claim of the applicant. Alongwith counter reply a copy of the letter dated 13.03.1996 (annexure CA-VII) has been filed wherein there is a reference that the applicant was served same letter on 27.02.1996 regarding the shortage of articles in the store. Finally applicant was served office memo dated 25.08.1998 giving complete list of the items which were short. It was also mentioned that the matter is still under investigation. Thus, it is not correct to say that the applicant was not given opportunity before fixing the liability. From the office memo dated 30.09.1998 (annexure CA- 2) it is further clear that applicant submitted his reply on 05.09.1998. It is also mentioned in the order that he has been given enough

of hearing

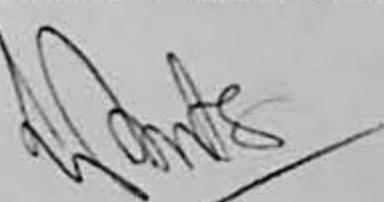
period of three years for handing over the charge of
the store ^{and make good} to bring out the discrepancy in the store items
by making efforts to locate the items.

4. The applicant in his reply dated 13.10.1998
(annexure CA-III) expressed thanks for giving opportunity
~~and prayed for~~ and ~~opportunities~~ for further time.

5. Considering all these facts and circumstances
and documents filed alongwith counter, we are satisfied
that the applicant was granted sufficient opportunity
before fixing liability by the impugned order dt.13.12.1999.
This O.A was filed on 17.02.2000. This Tribunal passed
interim order on 28.02.2000 directing respondents to
provide that the monthly deduction from the salary of the
applicant shall not be made beyond 1/3 of total emoluments.
Before the aforesaid order could be passed, respondents
had passed the order dated 11.02.2000 directing recovery
of the amount at the rate of Rs. 2300/- from the month of
February, 2000. This relief was only for period of three
months.

6. Considering the direction of this Tribunal dated
28.02.2000, in our opinion, applicant is entitled ^{for} ~~only~~
^{that} relief in case the amount of Rs. 73,812/- has not yet been
recovered, the recovery from the salary of the applicant
shall not ^{exceed} ~~be exceeded~~ from 1/3 of the total amount of
the salary. Subject to aforesaid this O.A is disposed of
finally.

7. There will be no order as to costs.



Member- A.



Vice-Chairman.

/Anand/