

176

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR

Date of order: 9.11.1995

O.A. No. 236/95

OM PRAKASH VASHISHTA Applicant

None present for the
applicant.

Vs.

UNION OF INDIA AND ORS. Respondents

Mr. S. M. Naveen Counsel for respondents

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THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

BY THE COURT

It is seen that no reply has been filed despite the order on 11.9.95 which states that the "learned counsel for the respondents undertakes that a reply will be filed within a short period. Accordingly, the matter is fixed for hearing on 9.11.1995". As such the OA is being decided on merits.

2. The applicant retired as Traffic Inspector, Indian Railways, while posted at Rewari, on 31.1.1994 on attaining the age of superannuation. The grievance of the applicant is that vide the order dated 29.1.1994 at Annex, A-2, a sum of Rs. 16,777/- has been deducted from his DCRG. He states that he was never put on notice regarding the said recovery. He further states that recoveries of payments made long ago should not be made after several years: moreover, there is no basis for making the recovery; the recovery is thus totally unfair. He has also quoted the observations from the judgment of the Hon'ble Supreme Court in Bhagwati Shukla vs. Union of India and Others (1994) 28 ATC 258. These observations are as under :

W.L.

"The appellant has obviously been visited with Civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not even put on notice before his Pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering Civil consequences should be without putting the concerned employee to notice and giving him a hearing in the matter".

3. It is settled law that no action that ~~gi~~ visits the employee with Civil consequences should be taken behind his back without giving him an opportunity to show cause against it. In view of this it is hereby directed that the respondents shall ~~explain~~ explain the reasons in detail to the applicant regarding the recovery of Rs.16,777/- from ~~his~~ ~~applicant's~~ DCRG within a period of 15 days from the date of receipt of a copy of this order. The applicant shall be given an opportunity to rebut these reasons. He shall be allowed a reasonable time for making his representation. A final decision shall be taken by the respondents on receipt of the representation through a speaking order. The applicant shall be at liberty to approach this Tribunal if he so wishes in case he~~s~~ still aggrieved by the decision of the respondents.

4. With this direction the OA is disposed of. No order as to costs.

Usha Sen
(USHA SEN)
Member (A)

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