

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 25.02.99

O.A. No. 305/95

Guman Singh aged 42 years son of Shri Jagan Nath Singh by caste Rajput, resident of T/192 - A.D.R.M Colony, Jodhpur - at present working as Highly Skilled Fitter Grade II, Artisan Category Workshops, Jodhpur.

... Applicant.

versus

1. The Union of India through the General Manager, Northern Railway Headquarters Officer, Baroda House, New Delhi.
2. The Chief Workshop Engineer, Northern Railway Headquarters Office, New Delhi.
3. The Deputy Chief Mechanical Engineer (Workshops), Northern Railway, Jodhpur.

... Respondents.

Mr. N.K. Khandelwal, Adv., Brief holder for Mr. Manoj Bhandari, Counsel for the applicant.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Guman Singh, has now prayed for a direction to the respondents restraining them from recovering the amount from the emoluments of the applicant for the period from 1.3.93 to 1.11.94 vide Annexure A/1 dated 5.7.95.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. It is an admitted fact that the order at Annexure A/1 dated 5.7.95 was issued regarding recovery to be made from the emoluments of the applicant for the period from 1.3.93 to 1.11.94 without affording an opportunity of hearing and without issuing any show

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cause notice to the applicant. It is contended by the applicant that the respondents themselves had granted promotion to the applicant to higher post and now they cannot be allowed to effect recovery of the amount already drawn and utilised by him. The fact remains that before passing the impugned order at Annexure A/1 dated 5.7.95 for effecting recovery, no show cause notice was given to the applicant nor was he afforded an opportunity of hearing. The impugned order was passed clearly in breach of the principles of natural justice enshrined in the Article 14 of the Constitution and, therefore, it deserves to be quashed.

4. In the result, the impugned order at Annexure A/1 dated 5.7.95 is quashed. In case the respondents choose to proceed further in the matter, they may issue a show cause notice and afford an opportunity to the applicant to make a representation thereon and take a decision afresh in accordance with law.

5. The O.A. is disposed of accordingly with no order as to costs.

Gopal Singh
(Gopal Singh)
Adm. Member

G.Krishna
(Gopal Krishna)
Vice Chairman

CVR.

Part II and III destroyed
in my presence on 28-6-06
Under my supervision
Under seal (1) as per
order dated 16/7/06

Section eight (Records)

RS. Rev 26/12/99

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