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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of Order : 21.09.2001.

O.A. No. 111/1996

1. M. Aslam son of Shri Abdul Sattar aged about 36 years presently working as I/C No. 2, Counter.
2. Jogdan son of late Shri Vedu Dan aged about 37 years presently working as Accounts Clerk.
3. Ashok Kumar son of Shri Mukan Lal aged about 35 years presently working as Sr. Accounts Clerk.
4. Sanjay Kohili, son of late Shri D.V. Kohli aged about 29 years presently working as Accounts Clerk.
5. B.K. Gaur son of Shri Ramchandra Gaur aged about 37 years presently working as I/C ATC Counter.
6. U.N. Purohit son of Shri Narayan Purohit aged about 39 years presently working as I/C Main Shop.

... Applicants.

versus

1. Union of India through Secretary to Government of India, Ministry of Defence, Vayu Bhawan, New Delhi.
2. The Air Force Commanding, Air Force Station, Jodhpur.
3. The Chief Administrative Officer, Air Force Station, Jodhpur.
4. Wg. Cdr. P. Mohan Chandran, Air H.Q. (V.B), Director of ATS-ATC, New Delhi - 110 066
5. The Canteen Manager, Air Force Canteen, Jodhpur.

... Respondents.

[Signature]

Mr. J.K. Kaushik, Counsel for the applicants.

Mr. S.K. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

In this application applicants have challenged Annexure A-1 complaining that the impugned order Annexure A-1 has not considered their grievances as ventilated in Annexure A-2 properly. They have stated that Shri Mohd. Aslam has not received the salary for the months of January, February and March 1994. The applicant Mohd. Aslam and Others have not received the bonus for the year 1992-1993, and they have also not received the R D amount of Rs. 3,975/- said to have been given to Shri Ashok Kumar under the cheque. Likewise, there are other grievances of the applicants, as stated in the complaint Annexure A-2.

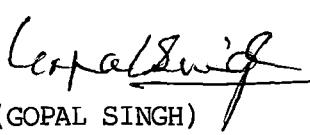
2. From the reading of the impugned order, it is clear that the observations are made in the impugned order without holding any enquiry. It is stated in the impugned order that Shri Mohd. Aslam has received the salary for the month of January by putting the signature, and regarding the salaries for the month of February and March, it is stated that Shri Rajan, Manager, has given a certificate that the payments were made to the applicants. The impugned order further states that the Bonus for the year 1992-1993 is the matter of dispute between the Manager, Shri Rajan, and the individual. It is also stated vide Item No.3, regarding R D amount that a cheque for Rs. 3,975/- was handed over to Shri Ashok Kumar for disbursing the same amongst the employees and he has encashed the cheque for disbursing amongst them, without stating that whether such amount was received by the applicants or not. The order also does not say why the said cheque have been

given to Shri Ashok Kumar instead of paying the amount directly to the concerned employees. Likewise, in paragraph 4 regarding recoveries, certain observations are made. The entire impugned order makes it clear that all these observations were made without holding any definite enquiry by taking the evidence of the concerned persons. The impugned order also indicates that there are some disputes and irregularities in the canteen department. The relationship between the employer and the employees would be direct, and if that is so, the employer shall make the payment directly to the concerned employees and not through somebody without any authorisation from the concerned employee. From the impugned order we find that the authority has left the matter to be decided between the Manager and the employees. In fact it is the responsibility of the management to pay such amount directly to the concerned employees, if the employee has not received the amount in question either through Shri Rajan or through Shri Ashok Kumar. Therefore, we think that it is an appropriate case in which the department should appoint an Enquiry Officer to enquire into the matter of the canteen.

3. It is brought to our notice that the Wing Commander P. Mohan Chandran, respondent No. 4, is the paying officer, and in these circumstances, it would be appropriate to direct an officer above Shri P. Mohan Chandran, Wing Commander, to hold an enquiry and ultimately fix the liability of the department to the concerned employee regarding certain amounts for which dispute is raised. We further add that if any amounts were paid to any other persons wrongly, or such person did not pay amount to the employees concerned, it would be open to the department to recover the same from such person and make over the same to the concerned persons on the basis of the enquiry. Accordingly, without expressing any opinion as to the merit of the case we think it appropriate to pass the order as under :-

W.L.

The O.A. is partly allowed and the impugned order Annexure A/1 dated 08.11.95 is quashed. The respondents are hereby directed to hold an enquiry into the matter in the light of the observations made above, within a period of 3 months from the date of receipt of a copy of this order and pay the entitled amount to the concerned employees according to the law, on the basis of such enquiry and findings. If any amount is wrongly paid to any other person, the same may be recovered and paid over to the person entitled to. No costs."



(GOPAL SINGH)
Adm. Member



(JUSTICE B.S. RAIKOTE)
Vice Chairman

CVR.