

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

O.A. No. : 92/1998

Date of Order :: 11.01.1999

Shri S.C. Khivasara S/o Shri P.C. Khivasara, aged about 40 years, R/o Maliyon Ki Gali, Udaai Mandir, Jodhpur, Presently working on the post of Superintendent B/R Grade II in the Office of C.W.E (Army) Jodhpur.

..Applicant.

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The A.C.D.A. In-charge, Area Accounts Office C.D.A(SC), Khatripura Road, Jaipur - 302 012.
3. The C.W.E.(army), Multane Lines, Jodhpur.

..Respondents.

Mr. S.K. Malik, counsel for the applicant.

Mr. S.S. Purohit on behalf of the respondents alongwith the OIC.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member.

BY THE COURT :

The applicant has filed this OA with a prayer that the impugned order dated 18.03.1998 (Annexure A/1) passed by respondent No. 2, qua the applicant, be declared illegal and be quashed and the respondents be directed to adjust and clear the outstanding demand shown against the applicant as has been cleared vide Annexure A/2 dated 30.06.1994. Cost for litigation be awarded. The applicant has also prayed for interim relief restraining the respondents from recovering an amount of Rs. 7,000/- from the pay bill of the applicant.

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2. After hearing the learned counsel for the applicant, notices were issued to the respondents.

3. The respondents have filed their reply stating therein that 7,000/- rupees, which were deducted from the pay bill of the applicant for the month of March, 1998, have been refunded to the applicant and, therefore, the OA does not survive.

4. I have heard the learned counsel for the parties and perused the record of the case.

5. In this case, an amount of Rs. 7,000/- deducted out of the pay bill of March, 1998 has been refunded to the applicant on 29th April, 1998 through a cheque as is clear from Annexure R/1. The reason for ~~deducting~~ the amount is stated to be due to communication gap between the two concerned authorities of the respondent department. But in any case, the individual has been protesting the so called advance payment of Rs. 29,000/- to him by his letters to the authorities from time to time. The amount of TA advance of Rs. 29,000/- was never paid to the individual. It was drawn by the concerned authorities and deposited by the authorities themselves. But somehow the correct adjustment was not made in respect of the amount so shown as advance to the applicant and hence, this ~~caused this~~ litigation.

6. In my opinion, the individual was forced to bring this OA simply because the authorities concerned failed to maintain proper accounts. The applicant was deprived of his salary for the month of March, 1998 and was put to financial trouble which could have been avoided. In my opinion, the applicant is required to be suitably compensated in terms of cost.

7. Hence, the OA is disposed of with a direction that the respondents shall pay a cost of Rs. 500/- (Rs. Five Hundred) to the applicant for action/non action of respondent No. 2 which resulted into this petition, within a period of two months from the date of this order.

8/11/99.

(A.K. MISRA)  
MEMBER (J)