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CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR

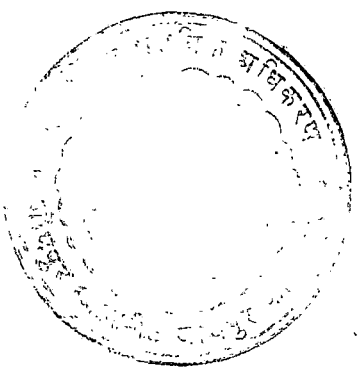
O.A. No. 11/2002

Date of Order: 18.09.2002

Bhora Ram S/o Sh. Hukma Ram, aged about 45 years, working as a Train Lighting Fitter, under Section Engineer Light, Northern Railway Suratgarh, R/o Ward No. 7 Near Shiv Bari, Surat Garh.

...APPLICANT.

V E R S U S

- 
1. Union of India,  
Through General Manager,  
Northern Railway,  
Baroda House, New Delhi.
  2. Assistant Personnel Officer,  
Northern Railway, Bikaner.
  3. Section Engineer, Light (Train Light),  
Northern Railway,  
Suratgarh.

...RESPONDENTS.

...

Mr. Y.K. Sharma, counsel for the applicant.  
Mr. Manoj Bhandari, counsel for the respondents.

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COGRAM:

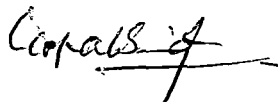
HON'BLE MR. GOPAL SINGH, ADM. MEMBER.  
HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

O R D E R

PER MR. GOPAL SINGH, ADM. MEMBER.

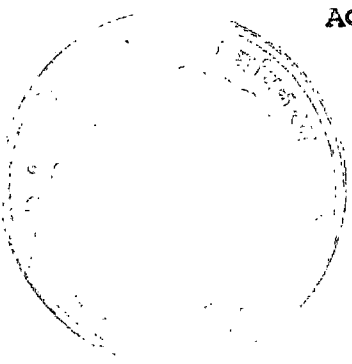

In this application, applicant Bhora Ram has assailed the order dated 06.11.2001 placed at Annexure A/

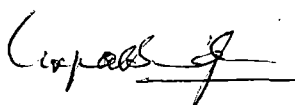
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on the ground that the recoveries have been raised against the applicant without any due notice. It is the settled law that no recovery should be effected from an employee without giving a show cause notice and ~~in~~ this view of the matter, the respondents can only recover after giving an opportunity to the applicant to defend his case. We are, therefore, of the view that respondents cannot be permitted to recover the over-paid amount from the applicant without giving any show cause notice. However, we do not express any view on the merit of the case. Accordingly, we pass the order as under :-

"The Original Application is allowed. Order dated 06.11.2001 (Annexure A/1) is set aside. The respondents are directed to give the applicant a show cause notice in regard to over-payment made earlier and after considering his representation pass appropriate orders in accordance with law. No order as to costs."

  
  
( J.K. KAUSHIK )  
JUDL. MEMBER

  
( GOPAL SINGH )  
ADM. MEMBER

...

Kumawat