

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Original Application No. 247/2004**

**Date of decision: 05.09.2006**

**Hon'ble Mr. Kuldip Singh, Vice Chairman**

**Hon'ble Mr. J P Shukla, Administrative Member.**

Jas Raj Meghwal, S/o Shri Kika Ram aged about 45 years,  
Postal Assistant, Sub Post Office, Sadari, District Pali r/o Village  
Sadari, District Pali.

: Applicant.

Rep. By Mr. Vijay Mehta: Counsel for the applicant.

**VERSUS**

1. Union of India through the Secretary to Government of India Ministry of Communication, (Department of Posts) Sanchar Bhawan, New Delhi.
2. Superintendent of Post Offices, Pali.
3. Head Post Master, Head Post Office, Marwar Junction, District Pali.

: Respondents.

Rep. By Mr. Mahendra Godhra proxy  
Counsel for Mr. Vinit Mathur

: Counsel for the  
respondents.

**ORDER**

(CORAL) E

**Mr. Kuldip Singh, Vice Chairman.**

The applicant assailed the order dated 04.01.2005 passed by the respondents vide which certain recoveries had to be made from the salary of the applicant. The applicant states that the impugned order of recovery has been passed without giving an opportunity to the applicant. The applicant submits that he had not issued the disputed Kisan Vikas Patras nor he



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has been held guilty and punished in pursuance of CCS (CCA) Rules, 1965. The recovery order has been passed without issuing any notice to him. Hence the applicant has prayed for quashing of the order dated 04.01.2005 and the respondents restrained from effecting any recovery from the salary of the applicant.

2. The O.A has been contested by the respondents by filing a reply. It is the admitted position of the respondents that no notice had been issued to the applicant before passing the order of recovery.

3. We have heard the learned counsel for the contesting parties and perused the records. We are of the view that the impugned order recovery affects the civil rights of the applicant. As per catena of judgements delivered by various Courts including the Apex Court, that before levying any recovery on the applicant notice should have been given to him as per the principles of natural justice.

4. In view of the above position, we allow the O.A and quash the impugned order dated 04.01.2005. However, the respondents are at liberty to take any action as per rules after putting the applicant on notice. No costs.



  
(J P Shkula)  
Administrative Member

  
(Kuldip Singh)  
Vice chairman

Jsv.

Part of ...  
in my presence on 11/4/14  
under the supervision of  
section officer [ ] as per  
order dated 31/01/14

Section officer (Remed)

WB

Received  
[Signature]  
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