

73

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 333/2012

Jodhpur this the 15th day of July, 2013.

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Judl. Member
Hon'ble Ms. Meenakshi Hooja, Admv. Member

1. Gopi Kishan s/o Shri Hajari Mal, aged 50 years, Peon
2. P.R. Meena s/o Shri Ram Khiladi, aged 53 years, Assistant
3. Prem Parihar s/o Shri Badri Prasad, aged 40 years, Peon
4. Satya Kumar s/o Shri Gopal Das, aged 50 years, Chowkidar
5. Suresh Kumar s/o Shri Ghisa Ram, aged 41 years, Sweeper
6. Mahendra Singh s/o Shri Rameshwar Singh, aged 32 years, Peon.

(All applicants are working under the Garrison Engineer (N), Army Bikaner and the Commander Works Engineer, MES, Army, Bikaner and resident of Bikaner c/o Gopi Kishan s/o Shri Hajari Mal, aged 50 years, Peon, Bothron Ka Chowk No.2, New Line, Gangashahar, Bikaner.)

.....Applicants

(Through Advocate: Mr Vijay Mehta)

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
 2. Director (Personnel) Engineer-in-chief's Branch, Kashmir House, New Delhi.
 3. Chief Engineer, South West command, Jaipur
 4. Commander Works Engineer, MES, Army, Bikaner
- 2

1/5

5. Garrison Engineer (N), Army, Bikaner.

.....Respondents

(Through Advocate: Ms. K.Parveen)

ORDER (Oral)

Per Hon'ble Mr.Justice K.C.Joshi

This joint application has been filed by 6 applicants namely, Gopi Kishan, P.R. Meena, Prem Parihar, Satya Kumar, Suresh Kumar and Mahendra Singh and they have sought relief that impugned orders Ann.A/1, Ann.A/2 and Ann.A/3 be quashed and the respondents be restrained from making any recovery from the applicants. Further sought relief that recovery, if any, made after filing of the OA be ordered to be refunded to the applicants.

2. The applicants have also sought to pursue the application jointly and the same is allowed.

3. Notices were issued to the respondent-department.

4. The learned counsel appearing on behalf of the applicants submits that matter relates to recovery of the amount paid to the applicants on account of deployment of the applicants in 'Operation Parakram'. All the applicants were paid amount determined by the respondents on account of their deployment in 'Operation Parakram', but due to audit objection, it was decided to recover the same.

2

7/5

Further submits that in similar matter, in OA No. 236/2011, the Division Bench of this Tribunal vide order dated 9th November, 2011 quashed the order of recovery from the persons deployed in 'Operation Parakram'.

5. Reply has not been filed by the respondent-department, but in view of the fact that several applications have been allowed by this Tribunal against similar orders, therefore, without there being any reply, the case is to be disposed of in terms of similar orders without waiting for formal reply. Accordingly, in terms of judgment dated 9th November, 2011 passed in OA No.236/2011, the impugned order dated 31st May, 2012 (Ann.A/1) and all connected orders issued in this regard, for recovering the amount paid towards 'Operation Parakram' to the applicants are hereby quashed.

6. The OA stands allowed in the above terms with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

R/

1