

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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ORDERS OF THE BENCH

Date of Order: 25.2.2016

OA No. 291/00145/2016

Mr. J.K.Mishra, Counsel for the applicant.

Matter pertains to Jodhpur Bench.

Heard.

The matter relates to recovery from the salary of the applicant in view of the order of the disciplinary authority dated 27.1.2016 (Ann.A/2). When the matter came up for hearing at the admission stage today, the counsel for applicant submitted that charge sheet dated 18.9.2015 (Ann.A/1) was served on the applicant under Rule 16 of CCS (CCS) Rules, 1965 i.e. for minor penalty. In the order dated 27.1.2016 (Ann.A/2) of the disciplinary authority, the recovery of Rs.16,18,532/- has been ordered in 19 installments of Rs.45000- per month commencing from the month of January, 2016 to continue till his superannuation and remaining amount lump sum from the arrears of pay and allowances due to implementation of 7th CPC and leave encashment of the official on his superannuation; and further one recovery of Rs.45000- has already been made from the salary of January, 2016. Counsel for applicant contended that the charge sheet is itself ab-initio and void and further that the applicant is not responsible for the misappropriation/fraud of the Government money as alleged and he has not violated any rule. Counsel for applicant prayed for stay on the recovery being made in pursuance of Annexure A/2.



Considered the aforesaid contentions and perused the records. It is noticed that the order of penalty

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(Ann.A/2) has been passed on 27.1.2016 but the applicant has not filed any appeal and filed this OA directly without availing the remedy of appeal available to him. However, considering the overall position and without going into the merits of the case lest it prejudice either side, it is deemed appropriate to dispose of this OA at the admission stage itself, with the direction to the applicant to file an appeal, if so desired, against the order Ann.A/2 within 15 days from the date of receipt of this order, if so desired. The appellate authority is also directed to consider and decide the appeal, if any filed by the applicant, expeditiously and preferably within 3 months from the date of receipt of the appeal. In view of the amount involved for recovery and to maintain the balance of convenience, in case an appeal is filed by the applicant, recovery being made in pursuance of Ann.A/2 order dated 27.1.2016 is stayed from the salary due to the applicant for the month of February, March, and April, 2016 or till the decision of the appeal (if filed) whichever is earlier.

The requirement of issue of the notices to respondents, in view of the limited relief being granted, is dispensed with.

Accordingly, the OA is disposed of as above at the admission stage itself.

The file may be transferred to Jodhpur Bench as the matter pertains to Jodhpur Bench.



(MS.MEENAKSHI HOOJA)
MEMBER(A)