

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 67 of 1997.

Wednesday this the 22nd day of July 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

Abraham Philip,
Senior Technical Assistant(Mining),
Geological Survey of India,
Trivandrum-14, residing at
TC 17/11175, Trivandrum-6. .. Applicant.

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India, represented by
Secretary to Government of India,
Ministry of Mining, New Delhi.

2. Director, Geological Survey of
India, Trivandrum-14.

3. Mineral Exploration Corporation,
represented by its Chairman and
Managing Director, Seminary Hills,
Nagpur. .. Respondents

(By Advocate Shri. M.H.J. David J., ACGSC)

The application having been heard on 22nd day of July, 1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant who is a Senior Technical Assistant (Mining) Geological Survey of India, Trivandrum submits that the alleged dues of Rs.29,358.40/- to the third respondent is sought to be recovered from the salary of the applicant by the 2nd respondent. He submits that the amount stated to be due to the 3rd respondent by the applicant is incorrectly worked out and that the third respondent also has to pay certain amount to the applicant. If the amount due to the applicant is set off and still it is found that applicant has to pay some money to the 3rd respondent, then applicant has no objection to his paying such amount due. The amount sought to be recovered has been fixed unilaterally by the 3rd respondent without any notice to the applicant. The applicant also submits that

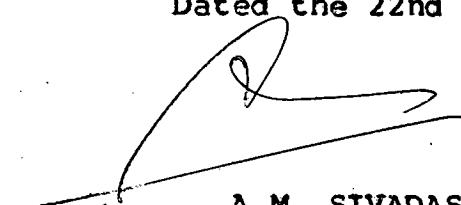
the second respondent has no authority to collect the dues on behalf of the 3rd respondent since the amount due is a personal claim between applicant and 3rd respondent.

2. The first and 2nd respondents have not submitted any reply to the contentions raised by the applicant. It is presumed that they admit the contentions raised by the applicant. The 3rd respondent has defended the calculation of the amount due from the applicant and also states that the amount due to the applicant is negligible as it is only Rs.6,015 as against the amount of over Rs.29,000/- due from the applicant. The 3rd respondent also submits that he is not amenable to the jurisdiction of the Tribunal as he does not come under the purview of the Administrative Tribunals Act.

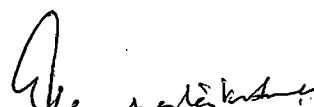
3. It is not in dispute that the question of dues is a matter between the applicant and the 3rd respondent who has submitted that he is not amenable to the jurisdiction of the Tribunal. Nothing has been produced before us by the respondents to show that the 2nd respondent is empowered to recover the dues on behalf of the 3rd respondent. The impugned orders A-5 and A-7 passed by the 2nd respondent ordering recovery of the dues of the 3rd respondent from the salary of the applicant cannot, therefore, be sustained. We, accordingly quash A-5 and A-7.

4. Application is allowed as aforesaid. No costs.

Dated the 22nd day of July 1998.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A5: True copy of the Letter No.2576/A-20015/96/AP dated 20.9.96 issued by the 2nd respondent to the applicant.
 2. Annexure A7: True copy of the Letter No.6370/A-20015/96/AP dated 16.12.96 issued by the 2nd respondent to the applicant.
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