

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.106/09

Friday this the 19th day of February 2010

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

V.Rajan,
S/o.Velayudhan,
Residing at BSNL Quarters, Thiruvananthapuram.
Employed as Sr.TOA, O/o. the DGM (Tr.),
LIC Building, Pattom, Thiruvananthapuram.

...Applicant

(By Advocate Mr.M.Ramaswamy Pillai)

V e r s u s

1. The Chief General Manager,
O/o. the CGMT, BSNL, PMG Junction,
Thiruvananthapuram.
2. The Assistant General Manager (O&M),
O/o. the CGMT, Circle Office, BSNL,
PMG, Thiruvananthapuram.
3. The Assistant General Manager (Admn.),
(CGMT Thiruvananthapuram), Circle Office,
BSNL, PMG, Thiruvananthapuram.
4. The Assistant General Manager (Admn.),
PGMT, BSNL, Thiruvananthapuram.
5. The Accounts Officer (Pay Bills),
O/o. the PGMTD, (BSNL Bhavan),
Uppalam Road, GPO, Thiruvananthapuram.
6. PGM,
O/o. the PGMTD (BSNL Bhavan),
GPO, Thiruvananthapuram.
7. RWA, Paruthippara Staff Quarters Association
represented by its President,
Thiruvananthapuram.

...Respondents

(By Advocate Mr.Pradeep Krishna [R1-6])



.2.

This application having been heard on 19th February 2010 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the Annexure A-3 letter dated 12.1.2009 by which the 3rd respondent, namely, the Assistant General Manager (Admn.), CGMT Thiruvananthapuram, Circle Office, BSNL, PMG, Thiruvananthapuram has ordered for the recovery of Rs.35000/- from the salary of the applicant from the month of January 2009 onwards on the basis of certain instructions issued to him by the Circle Office letter No.AGM(O&M)/WLF/50-2-02-05 dated 30.10.2008.

2. The case is that the AGM (Admn.), in the office of the CGMT, Thiruvananthapuram has reported vide its Circle Office letter No.Wlf/50-2/2002-05 dated 9.11.2007 that the applicant being the former Treasurer of RWA, Paruthippara had not made over the accounts and balance cash of Rs.35000/- which was collected from the members of Paruthippara Residential Welfare Association to the newly elected Treasurer. On the basis of the said report the 3rd respondent directed the applicant vide Annexure A-1 letter No.ST-437/Genl/V/02-04/102 dated 17.12.2007 to settle the account immediately. As the applicant did not take any action on the said letter, the 3rd respondent again vide Annexure A-2 letter No.ST-437/Genl/V/08-09/7 dated 2.12.2008 advised him to settle the account within 15 days and file compliance report. He was also informed that if he fails to settle the account within the aforesaid period, the said amount of Rs.35000/- would be recovered from his salary from the month of December 2008 onwards. Thereafter, the applicant has made the



.3.

Annexure A-4 representation dated 16.1.2009 stating that he had functioned as Treasurer of RWA Paruthippara Staff Quarters from May 2005 to August 2006. During his tenure the other office bearers were Shri.Ponnu Iyer, President, Shri.K.Rajappan, Secretary and Shanmugha Sundaram, Assistant Treasurer. They collected Rs.1800/- per month from around 60 residents at the rate of Rs.30 per month. There was also income of Rs.1200/- from the sale of coconut. Thus the total income during the period was Rs.39600/-. Out of the said amount the committee had paid Rs.3000/- per month towards the salary to the security staff and the tailoring class teacher. Altogether they spent about Rs.48000/- during the said period. He has also submitted that the entire transaction were made jointly by the committee and, therefore, there was no scope for any recovery of any amount as alleged by the respondents.

3. In the reply statement the respondents have submitted that there were more than 90 occupants paying monthly subscription of Rs.30/- and the income from selling coconut was more than Rs.600/- per month. The salary of the security guard has to be paid by the Treasurer only after getting signature of the concerned security guard. As regards the salary of the Tailoring Teacher, it was sanctioned by Chief General Manager Telecommunications Office and the amount was given as grant from the office.

4. We have heard Shri.Ramaswamy Pillai for the applicant and Shri.Pradeep Krishna for the respondents No.1-6. The Residential Welfare Association is not a departmental organisation. It is purely an entity formed

.4.

by the members of the Association. The respondents department has nothing to do with it except to pay some money as amount towards the Tailoring Teacher employed by the Association. If at all there was some complaints against the applicant for misusing the Association's money it was for the members of the Association to raise such objections before the appropriate authority to which the Association is subjected to. The recovery of any amount from the salary of an employee without any authority is a violation of the Service Rules. We, therefore, are of the considered view that the respondents have no authority whatsoever to issue the impugned Annexure A-1 letter dated 17.12.2007, Annexure A-2 letter dated 2.12.2008 and Annexure A-3 letter dated 12.1.2009. We, therefore, direct that the respondents shall refund any amount recovered from the salary of the applicant as part of the aforesaid amount of Rs.35000/- forthwith, but in any case, within a period of one month from the date of receipt of a copy of this order. However, this order will not preclude any affected parties to approach the appropriate legal forum for the allegations made against the applicant.

4. With the above directions, this OA is allowed. There shall be no order as to costs.

(Dated this the 19th day of February 2010)


K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

asp