

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 243 of 1998

Wednesday, this the 30th day of August, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K. Thankamma,
Senior Store Keeper (Retired)
38/209, Raj Bhavan, Karshaka Road,
Kochi - 682 016. ... Applicant

By Advocate Mr. K.M.V. Pandalai

Versus

1. Union of India represented by
Secretary to Government,
Ministry of Agriculture, New Delhi.
2. The Director,
Central Institute of Fisheries,
Nautical & Engineering Training,
Dewan's Road, Cochin - 682 016
3. Store Officer,
Central Institute of Fisheries,
Nautical & Engineering Training,
Dewan's Road, Cochin - 682 016
4. K. Lakshmanan, Senior Store Keeper,
Central Institute of Fisheries,
Nautical & Engineering Training,
Dewan's Road, Kochi - 682 016 ... Respondents

By Advocate Mr. George Joseph, ACGSC (R1 to 3)

The application having been heard on 30th August, 2000,
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant seeks to quash A8 and A14, to declare
that she is entitled for the refund of the amount recovered
from the Death-cum-Retirement Gratuity towards the cost of
alleged shortage of items, and to direct the 2nd respondent
to grant interest on the recovered amount.

Contd..2

2. The applicant retired as Senior Store Keeper on 31-8-1997. Thereafter, A8 order dated 9-10-1997 was issued to her. Pursuant to the same she submitted A11 representation. Rejecting A11 representation, A14 was issued. The applicant is challenging A8 and A14 on various grounds and A14 especially being not a speaking order passed in a mechanical way.

3. A11 is the representation submitted by the applicant dated 6-11-1997. She has stated her case therein. The 2nd respondent has issued A14 in a most mechanical way without any application of mind for the reason that A14 says that the applicant

"is informed that the points indicated in her representation has been carefully considered, but the same cannot be accepted in view of lack of merits in her submission."

This is nothing, but a casual approach and can never be said to be a considered order. The 2nd respondent to whom A11 was submitted by the applicant was duty bound to consider and give a considered order. It was not done. We asked the learned counsel appearing for the respondents, whether A14 can be considered as a considered order. He submitted that it is stated therein that the representation was carefully considered. Mere usage of the words 'carefully considered' will not amount to careful consideration.

4. Accordingly, A14 is quashed and the 2nd respondent is directed to consider the points raised in A11 representation submitted by the applicant and pass a speaking order thereon

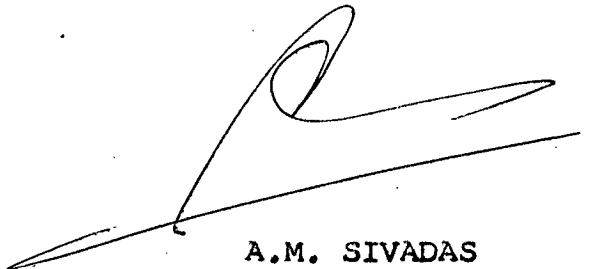
within two months from the date of receipt of a copy of this Order. If the applicant makes a request for a personal hearing, that may be afforded to her. If the 2nd respondent finds that recovery ordered is wrong or any excess recovery is made, the same shall be refunded to the applicant within three months from the date of receipt of a copy of this Order.

5. Accordingly, the Original Application is disposed of.
No costs.

Wednesday, this the 30th of August, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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List of Annexures referred to in this Order:

1. A8 - True copy of the Memo No. F.No.4-4/97ST dt. 9-10-1997 issued by the 2nd respondent ordering recovery from the retirement benefits due to the applicant.
2. A14 - True copy of the Memo No.F.No.4-4/97ST dt. 15-12-1997 issued by the 2nd respondent rejecting the representation A11 dated 6-11-1997.
3. A11 - True copy of the submission dated 6-11-1997 submitted by the applicant before the 2nd respondent.