

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 372/2006

this the 25th day of August, 2006.

Hon'ble Shri N.D.Dayal, Member (A)

V.S. Tewari aged about 48 years son of late Shri Shanti Swaroop Tewari, resident of Budhwa Taal, Subhash Nagar, Hardoi.

...Applicant

By Advocate: Shri Praveen Kumar

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Moradabad.
3. The Divisional Operating Manager, Northern Railway, Moradabad.

...Respondents

By Advocate: Shri N.K.Agrawal.

ORDER (ORAL)

BY HON'BLE SHRI N.D. DAYA, MEMBER (A)

Heard counsel for both the parties.

Learned counsel for the applicant has brought to notice that by the impugned order dated 18.11.2005, a recovery of Rs. 93,377/- has been ordered to be deposited within 10 days failing which FIR will be lodged against him. It is submitted that certain recovery in respect of electricity dues has already been made as per Annexure A-4, However, the recovery has been ordered without giving him any prior notice to state his case against the order before the authority. A representation was preferred by the applicant on 11.12.2005 which is placed at Annexure No. A-3. However, so far there is no information with him as to decision on the same.

2. Learned counsel for the respondents submits that the applicant joined the service in 1978 and he has been promoted in 1993 and recently transferred to Karna, Hardoi. As such it is contended that amount

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of recovery includes other government dues in addition to that which is reflected in Annexure A-2. It is however, not disputed that the representation of the applicant against the order of recovery has yet not been finally decided. It is well settled that whenever administrative order is passed by which civil consequences are meted to the government employees, tenets of natural justice require that he should be given an opportunity to place his case against such order before a decision is taken as that would be in accordance with law.

3. In that view of the matter, any further recovery be stayed.

4. The respondents particularly respondent No. 3 is directed to consider the representation of the applicant treating this O.A. as a part thereof and pass appropriate orders within a period of 6 weeks from the date of receipt of copy of this order. In case the matter is decided in favour of the applicant, the amount already recovered would be refunded and in case it is decided otherwise, it would be open for the respondents to initiate such action as may be deemed appropriate after one week from the date of communication of the order to the applicant. Learned counsel for applicant seeks liberty to take remedy in accordance with law, if aggrieved by the order passed by the authorities which is granted. No costs.



Member (A)

HLS/-