

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No: 123/2011

This, the 24TH day of August, 2012

HON'BLE MR. JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Suresh Kumar Chib, aged about 53 years son of late Kartar Singh resident of 2, Lajpat Rai Marg, Post Office Dilkusha,Cantonment , Lucknow.

Applicant.

By Advocate: Sri A.K.Chaturvedi

Versus

1. Kendriya Vidyalaya Sangthan, 18 Institutional Area, Shaheed Jeetsing Marg, New Delhi, through its Commissioner.
2. Commissioner Kendriya Vidyalaya Sangthan, 18 Institutional Area, Shaheed Jeetsing Marg, New Delhi.
3. Dy. Commissioner (Administration) Kendriya Vidyalaya Sangthan, 18 Institutional Area, Shaheed Jeetsing Marg, New Delhi.
4. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Captain M.M.Gupta Sarani, Silchar Assam,
5. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector J, Aliganj, Lucknow.
6. Principal Kendriya Vidyalaya , Dilkusha Garden, Cantonment Lucknow.

Respondents.

By Advocate: Sri Surendran P

ORDER (dictated in open court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

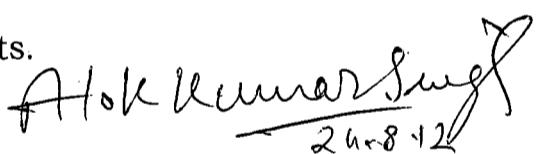
Heard arguments at length and perused the material on record.

2. This O.A. has been filed for quashing office order dated 15.6.2009 passed by respondent No.4 and order dated 14.2.2011 passed by respondent No.3 (placed at Annexure No.1 and 2). Both these orders pertain to recovery of an amount of Rs. 3.50 lakhs which is said to have been wrongly claimed by the applicant on account of medical reimbursement . The basis of these orders appear to be the report of the Internal Audit party

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of KVS R.O. Lucknow vide para (d) page 11 as mentioned in the first paragraph of the impugned office order dated 15.6.2009. It is worthwhile to mention that the respondents have subsequently issued a charge sheet on 5th May, 2011 in respect of the same matter. Concededly, that disciplinary proceedings has come to its logical end and the charge in respect of this matter was not found to be proved. On the basis of enquiry report, ultimately an order dated 16.3.2012 has been passed which has been brought on record along with RA. There does not appear to be any quarrel on this point.

3. In view of the above, therefore, this O.A. deserves to be allowed and both the impugned orders deserve to be quashed and accordingly it is so ordered. The amount in question was to be recovered @ Rs. 5000/- per month. It is directed that if any installment has been recovered, the amount thereof shall be refunded to the applicant within a period of 4 weeks from the date of this order. No order as to costs.


(JUSTICE ALOK KUMAR SINGH)
MEMBER (J)

HLS/-