

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 452 of 1996

Date of order 6.6.1997.

Mauji Ram, son of Shankar Lal, resident of Village Bhainsa, P.S. Mathura Refinery, District Mathura(U.P.), at present residing at ASC, 298(I), Supply Depot, Danapur Cantonment, P.S. Danapur, District Patna.

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Applicant

-versus-

1. The Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Lt. Col. Officiating Commandant, 3 RPD ASC Mathura(U.P.).
3. The Quarter Master General, Q.M.G.Branch(Q 1(c)) Army Headquarters, D.H.Q.P.O. New Delhi-110 011.
4. Major Officer Commanding, 298 (I) Supply Platoon, ASC Danapur Cantonment-801 503.

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Respondents

CORAM : Hon'ble Mr. Justice V.N. Mehrotra, Vice-Chairman.

Counsel for the applicant .. Shri Gautam ~~Bose~~ Bose.

Counsel for the respondents .. Shri P.K. Jaipuriar.

O R D E R

Hon'ble Mr. Justice V.N. Mehrotra, V.C. :-

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the prayer that the order dated 4.8.1995 issued by the respondent no.4 (Annexure-A-2) be quashed and the deduction of Rs.500/- per month from the salary of the applicant with effect from 1.6.1995 be declared illegal. The applicant has further prayed that direction for refund of the amount which has already been recovered from the salary of the applicant be issued.

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2. The facts of the case are that the applicant was serving as a Carpenter from 1.9.1990 in the 3 RPD, Mathura. He remained at Mathura till 1.12.1994 and was transferred to Danapur Cantonment on 1.12.1994. He joined there on 15.12.1994. It is alleged that by letter dated 18.5.1995 the respondent no.2 directed that the persons mentioned in Appendix 'A' of the letter were involved in disciplinary case of financial irregularities relating to false medical reimbursement claims for the period 1991-93. It was further directed that the Company Commandant was to initiate disciplinary action against the individuals and recover the amount through their pay as per existing procedure/rules by issuing appropriate charge-sheet as per CCS(CCA) Rules,1965. It is further stated in the said letter that a detailed Civil Court enquiry was held during March/April, 1993 to investigate the case under the direction of the higher authorities. However, so far as the knowledge of the applicant goes, there is not even a whisper about his name in the entire enquiry. The applicant asserts that the Department all of a sudden started deducting Rs.500/- per month from his salary from 1.6.1995 without any show cause/charge-sheet or any notice whatsoever. The respondent no.4 by letter dated 4.8.1995 issued a show cause notice to the applicant that since vide Annexure-A-1 the applicant had claimed a sum of Rs.10,923/- falsely towards medical reimbursement (1991-93) and, therefore, the applicant was directed to intimate the reason for drawing such alleged medical bills preferred. The applicant immediately replied to the show cause notice but without considering the same the respondents continued deducting Rs.500/- per month from his salary. It is asserted that medical bills submitted by the

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applicant were not false and the recovery ordered by the respondents without any enquiry was illegal.

3) In the written statement it has been asserted by the respondents that a racket involving about hundred persons regarding the reimbursement on false medical bills was detected and an enquiry was held and it was found that the persons mentioned in Appendix 'A' to Annexure-A-1 had wrongfully sought reimbursement to the amounts mentioned in the Annexure. It is asserted that the applicant got reimbursement of the amount of Rs.10,923/- on false medical bills and so recovery of this amount was ordered at the rate of Rs.500/- per month from his salary. As regards the reply sent by the applicant on being served by show cause notice, it has been asserted that the matter was under investigation.

4) In the rejoinder the applicant has asserted that the allegations made in the written statement were wrong and that the medical bills submitted by him were not false. It has also been asserted that no enquiry was actually held in the matter nor it was held that he was guilty of claiming reimbursement on false medical bills.

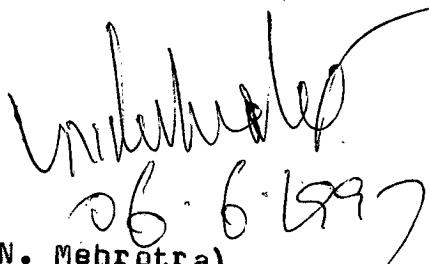
5) I have heard the learned counsel for the parties and perused the material on record. As will be evident from Annexure-A-1, the Commandant had requested the authority concerned to initiate disciplinary action against the individuals posted in his Unit and recover the amount through their pay and allowances as per the existing procedure/rules by issuing appropriate charge-sheet as per CCS(CCA)Rules, 1965. It will thus be apparent that the matter regarding the reimbursement on alleged false medical bills was still to be considered and decided by the contemplated disciplinary enquiry.

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A charge-sheet was to be issued according to the procedure provided under CCG(CCA) Rules, 1965. In the beginning of this letter (Annexure-A-1) it was merely mentioned that the persons mentioned in Appendix 'A' (numbering 19) were involved in a disciplinary case of financial irregularities relating to false medical reimbursement claims (1991-93) but a reading of the latter part will indicate that actually the persons in question had not been held guilty in any concluded enquiry but it was proposed that a disciplinary action should be initiated against the individuals. However, instead of proceeding, as suggested in Annexure-A-1, the authority concerned started deducting Rs.500/- per month with effect from 1.6.1995 itself as asserted by the applicant. The show cause notice (Annexure-A-2) dated 4th August, 1995 was actually served on the applicant on 5.8.1995 to which he replied on 7.8.1995 (Annexure-A-3). It is not disputed that this matter is still under consideration. However, without holding a proper enquiry and deciding as to whether the reimbursement claimed by the applicant was based on false medical bills, the authority concerned continued to recover at the rate of Rs.500/- per month from the salary of the applicant.

6. The learned counsel for the respondents has not been able to produce any document which could show that in any enquiry it has been held that medical bills submitted by the applicant were false. As the matter was still to be decided by holding a proper enquiry, there was no justification for deducting the amount from the salary of the applicant. In the circumstances, this O.A. should be allowed.

7. The O.A. is allowed. The order directing deduction from the salary of the applicant on the ground of reimbursement on the basis of false medical bills is hereby set aside. It is directed that the entire amount which has been so recovered from the salary of the applicant shall be refunded to him within a period of three months from the date on which a certified copy of this order is produced before the appropriate authority. The appropriate authority may, however, in case he thinks it fit, initiate proper enquiry against the applicant in the matter. No costs.


06.6.1997
(V.N. Mehrotra)
Vice-Chairman