

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE
TODAY THE TWELFTH NOVEMBER, 1986

Present: Hon'ble Mr Justice K.S.Puttaswamy Vice Chairman

Hon'ble Mr P.Srinivasan

Member

APPLICATION No. 296/86

K.Gopalakrishnan,
age major, Lower Division Clerk,
Bangalore Military School,
Bangalore.

.... Applicant

(Shri V.A. Mohan Rangam. ... Advocate)

Vs.

1. The Principal,
Bangalore Military School,
Bangalore.
2. I.C-25358 K.Captain A.K. Rajpal A.E.C.
Administrative Officer,
Bangalore Military School,
Bangalore.

... Respondents

(Shri N.Basavaraju ... Advocate)

This application has come up before Court today
for hearing. Vice-Chairman made the following:

ORDER

In this transferred application received from the
High Court of Karnataka under Section 29 of the
Administrative Tribunals Act of 1985(Act), the applicant
has sought for a direction to the respondents not to make
any recoveries from him.

2. At the material time, the applicant who was
working as a Lower Division Clerk (LDC) in the Bangalore
Military School, was entrusted with the additional
duties of a Salesman of the canteen attached to that
school and run by Government on an additional remuneration

of Rs. 100 per month. When he was so working, the authorities discovered shortages of the estimated value of about Rs. 18,000. In the investigation of the same, the applicant was initially found liable to pay those amounts. But ultimately on 9.5.80, the General Officer Commanding, Madras Area (GOC) found that the applicant was liable to pay a sum of Rs. 12,000 to which he also agreed, which is however challenged by him on diverse grounds.

3. Before approaching the High Court in W.P. No. 19674/80, a sum of Rs. 6,000 had been recovered from the applicant towards the amounts found due by him by the GOC. After this case had been heard at some length, the applicant has filed a memo agreeing to repay the balance of Rs. 6,000 found due by him in easy instalments of Rs. 60.00 per month the first instalment to commence on 1.1.1987, which reads thus:

"The applicant begs to pay the monthly instalment at Rs. 60/- (sixty only) p.m. towards the balance of Rs. 6,000/- (Rupees Six thousand) as ordered by GOC Madras.

Wherefore the applicant prays for orders in terms of this memo with effect from 1.1.1987 salary in the interest of justice and equity."

This memo is signed by the applicant who is present before this Tribunal and his learned Advocate Shri V.A.Mohan Rangam. By this memo, the applicant withdraws his challenge to the amounts found due by the GOC and therefore the question of this Tribunal examining its validity on any of the grounds or of

granting the reliefs sought in the application does not arise.

4. Shri Mohan Rangam prays for an order in terms of the memo filed by the applicant.

5. Shri N. Basavaraju, learned additional Standing Counsel for the Central Government appearing for the respondents in our opinion very rightly, does not oppose the terms suggested by the applicant in his memo.

6. We have examined all the facts and circumstances and the terms suggested by the applicant in his memo. We are of the view that the terms and conditions suggested by the applicant are fair and reasonable and we should accord our permission for the same. We do hope and trust that except for the recoveries sanctioned by this Tribunal, authorities will not initiate any further proceedings against the applicant in respect of the shortages found due by him.

7. In the light of our above discussion, we make the following orders and directions:

(i) We reject the challenge of the applicant for the recovery of Rs. 12,000 found due by him and ordered by the GOC in his order dated 9.5.1980.

(ii) We permit the applicant to repay the balance of Rs. 6,000 that is still due by him in instalments of Rs. 60.00 per month, the