

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 1044/92

Transfer Application No. ---

Date of decision 12-7-1993

A.L.Tanksale

Petitioner

None for the applicant

Advocate for the Petitioner

Versus

Regional Provident Fund Commissioner and one another

Respondent

Mr.R.K.Shetty

Advocate for the Respondent(s)

Coram :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble Shri M.Y.Priolkar, Member(A)

1. ~~Whether the Reporters of local papers may be allowed to see the judgement ?~~
2. To be referred to the Reporter or not ?
3. ~~Whether their Lordships wish to see the fair copy of the judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.S.DESHPANDE)
VC

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.1044/92

A.L.Tanksale,
163/C, Om Sat Nivas,
Dr.Ambedkar Road,
Dadar,
Bombay - 400 014.

.. Applicant

-versus-

1. Regional Provident Fund
Commissioner,
Bhavishya Nidhi Bhavan,
341, Bandra(E),
Bombay - 400 051.

2. The Central Provident
Fund Commissioner,
9th Floor, Mayur Bhavan,
Cannaught Circus,
New Delhi - 110 001.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. None for the Applicant.
2. Mr.R.K.Shetty
Counsel for the respondents.

ORAL JUDGMENT: Date: 12-7-1993
(Per M.S.Deshpande, Vice-Chairman)

By this application the applicant seeks a direction to the respondent No.2 not to recover any amount from the salary of the applicant in pursuance of the order passed against the applicant in a departmental enquiry.


2. The applicant who is serving as a Enforcement Officer with the respondent was given a chargesheet on 20-10-83 in respect of certain overpayments which he had made. A punishment of Censure was imposed on him and he was asked to pay Rs.5,090/- which was the amount of overpayment made by him. The applicant appealed

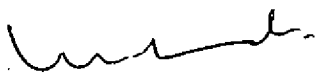
against that decision and the appellate authority remitted the case for a fresh decision. Thereafter the applicant approached this Tribunal which by its order dt. 2-3-1988 refused to interfere at that stage with liberty to the applicant to approach the Tribunal after exhausting all the departmental remedies. As a sequel to the de-novo enquiry a penalty of Rs.14,000/- recoverable in 35 instalments was ordered ^{but} ~~by~~ the appellate authority thereafter modified the order and directed only Rs.7,000/- to be recovered in place of Rs.14,000/-. This is what is challenged by the applicant. According to the respondents ^{Execution Petition} ~~a~~ ^{and} ~~an~~ was filed for the recovery of total amount of Rs.63,413.54 in the Court of Subordinate Judge at Tirupati and that E.P. is still pending, ^{and} therefore the amount cannot be recovered from the applicant.

3. Learned counsel for the respondents states that the respondents were not able to recover any amount from the party concerned because there were no properties which stood in the name of Shri Changal Narayan Raju and in support of that ~~xxxxxxxxxx~~ reliance is placed on letter dt. 5-2-93(R-1). It is apparent that ^{the} ~~an~~ order regarding recovery of Rs.7,000/- has become final and we see no impediment in recovering the amount from the salary of the applicant. Mr. Shetty learned counsel for the respondents very fairly stated that in the event of ^{the applicant's demand} ~~of~~ succeeding in making the recovery from the party concerned the respondents are ready to give an undertaking that the amount will be returned to the applicant.

W. S. S.

4. Nobody appear^{ed} for the applicant when the matter was heard for admission and only Mr. Shetty was heard. In the circumstances mentioned above while dismissing the application the only direction which we would be making is that in the event of recovery of amount from the party concerned the respondents shall refund the amount of Rs.7,000/- if it is recovered from the applicant. The undertaking of the respondent is accepted. With this direction the application is dismissed.


(M.Y. PRIOLKAR)
Member(A)


(M.S. DESHPANDE)
Vice-Chairman

M