

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 406/97

Date of Decision: 9.1.98

Shri R.P. Devlekar \_\_\_\_\_ Applicant.

Shri C.M. Jha \_\_\_\_\_ Advocate for  
Applicant.

Versus

Union of India and others \_\_\_\_\_ Respondent(s)

Shri M.S. Ramamurthy. \_\_\_\_\_ Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri. M.R. Kolhatkar, Member (A)

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? *W*

  
(R.G. Vaidyanatha)  
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No. 406/97

Friday the 9th January 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri M.R. Kolhatkar, Member (A)

R.P. Devlekar,  
Residing at 24/L/3,  
Western Railway Quarters  
N.M. Joshi Marg,  
Mumbai.

... Applicant.

By Advocate Shri C.M. Jha.

V/s.

Union of India through  
General Manager,  
Western Railway,  
Churchgate, Mumbai.

Divisional Railway Manager  
Western Railway,  
Bombay Central.  
Mumbai.

... Respondents.

By Advocate Shri M.S. Ramamurthy.

O R D E R (ORAL)

( Per Shri Justice R.G.Vaidyanatha, Vice Chairman )

In this O.A. the applicant is challenging the recovery order dated 24.12.96 (Exhibit A). Today when the application came up for admission, the learned counsel for the respondents submitted that the disciplinary enquiry has been held against the applicant and the Enquiry Officer has submitted his report. Now this matter is pending with the Disciplinary Authority for passing final orders. The learned counsel for the respondents also submits that no recovery will be made on the basis of the order dated 24.12.96 till the final order is passed by the Disciplinary Authority. The applicant is challenging the order of recovery mainly on the ground that no enquiry is held. Now that the Enquiry has been held and the matter is pending before

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the Disciplinary Authority for passing the final order. Nothing further need be done, in view of the statement made on behalf of the respondents that no recovery be made till final order is passed by the Disciplinary Authority. If any adverse order is passed by the Disciplinary Authority, the applicant can challenge the same before the Appellate Authority and then can approach this Tribunal. We, therefore feel that this O.A. can be disposed of at admission stage.

2. With the above observations the O.A. is disposed of at the admission stage. The respondents should not make any recovery on the basis of order dated 24.12.96 till final orders are passed by the Disciplinary Authority. Liberty is given to the applicant that if any adverse order is passed by the Disciplinary Authority according to law, he can approach this Tribunal. He can also claim the refund of whatever amount is recovered in accordance with law.

M.R. Kolhatkar

(M.R. Kolhatkar)  
Member (A)

R.G. Vaidyanatha

(R.G. Vaidyanatha)  
Vice Chairman

NS