

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 580/97

Date of Decision: 12-3-98

Smt. S.Visalakshy

Applicant.

Shri P.A.Prabhakaran

Advocate for  
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri V.S.Masurkar

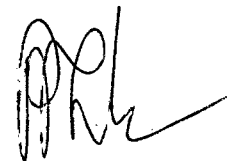
Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not? No
- (2) Whether it needs to be circulated to other Benches of the Tribunal? No



(P.P.SRIVASTAVA)  
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO. 580/97

this the 12<sup>th</sup> day of MARCH 1998

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

Smt.S.Visalakshy  
r/o Pradeep Nivas,  
Room No. 4,  
Behind Old Police Station,  
Ambernath.

By Advocate Shri P.A.Frabhakaran

... Applicant

V/S.

1. The Director,  
Central Poultry Breeding Farm,  
Aarey Milk Colony, Mumbai.
2. Union of India through  
The Secretary to the Govt. of India,  
Ministry of Agriculture,  
(Deptt. of Animal Husbandry & Dairying),  
Krishi Bhavan, New Delhi.
3. Shri J.V.Jones, LDC  
Central Poultry Breeding Farm,  
Aarey Milk Colony, Mumbai.

By Advocate Shri V.S.Masurkar  
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member (A))

The applicant is working with the Central Poultry Breeding Farm, Ministry of Agriculture as UDC. On 18.2.1997 the applicant was required to deposit cash in State Bank of India, Fort Market, Mumbai. The applicant started from her office in Aarey Milk Colony but could not reach the Bank in time and therefore the cash could not be deposited.

.. 2/-

The applicant also took less cash. The respondents have issued a charge-sheet to the applicant in this issue. But that is not the subject matter of this OA. The respondents have issued a letter to the applicant dated 14.3.1997 which is placed at Annexure-'B-1' by which the applicant was required to deposit a sum of Rs.324/- being the charges for the use of vehicle at the rate of Rs.4.50 per k.m. for 72 k.ms. The Memo issued to the applicant reads as under :-

" Smt. S. Vishalakshy, U.D.C.-cum-Cashier, on 18.2.1997 took office vehicle to State Bank of India, Fort Market, Mumbai-38, for depositing cash. But she took short cash. Hence she should pay at the rate of Rs.4.50 per km. i.e. total km. 72 x Rs.4.50 = Rs.324/- (RUPEES THREE HUNDRED TWENTY FOUR ONLY) within 3 days. Otherwise the same amount will be deducted from her salary."

The applicant submitted a representation against this order but no fruitful purpose has been served. Aggrieved by the action of respondent administration, the applicant has approached this Tribunal seeking the relief that the Memo asking the applicant to deposit Rs.324/- for the use of official vehicle should be quashed.

2. Learned counsel for the applicant has argued that there is no rule which will permit the respondent administration to recover the cost of journey by treating as a private journey when the applicant has used the vehicle for official purpose. The fact that the applicant could not deposit the cash due to certain reasons which have been explained by the applicant, cannot be taken as a ground to treat



the journey as if the vehicle is used for private purpose.

3. Learned counsel for the respondents has argued that since the applicant did not fulfil the purpose of duty, they are entitled to treat the use of vehicle as private and deduct the charges from the applicant's salary. The learned counsel for the respondents was directed to show the rule under which this action is permissible. He was given time to submit the rule under which the action of respondent administration is covered, but the respondent administration has not brought to the notice of the Tribunal any rule under which the action of the respondents is covered.


4. The question of taking action against the applicant for ~~her not~~ completing the work is an issue which ~~could~~ be taken up ~~under~~ disciplinary rules and which it is understood the respondent administration has already started against the applicant. However, no rules permit the respondents to treat the use of vehicle ~~for official work~~ as if the applicant has used it for private purpose when the applicant could not complete the work for which the applicant has used the vehicle.

5. In the circumstances, I am of the view that the respondent administration is not authorised to deduct the cost of the journey by the vehicle which comes to Rs.324/- according to them from her. The Memo of deduction is placed at Annexure-'B-1' dated 14.3.1997 is, therefore, held to be not according to any rule ~~or~~ law and is ~~liable to be~~ quashed. In the



OA. the applicant has also brought in the issue of chargesheet, but since the relief is confined only to the deduction of Rs.324/- in terms of Memo all other questions are not decided in this OA.

6. The OA. is, therefore, disposed of with the direction that the deduction of Rs.324/- ordered by the respondents by their order dated 14.3.1997 placed at Annexure-'B-1' is not according to law and rule <sup>as</sup> is quashed. This amount of Rs.324/- if already deducted from the applicant should be refunded within one month from the date of receipt of this order. There will be no order as to the costs.

  
(P.P. SRIVASTAVA)  
MEMBER (A)

mrj.

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