

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

THURS DAY THE THIRD DAY OF SEPTEMBER,
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE M. B. N. JAYA SIMHA: VICE-CHAIRMAN
AND

THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 551/87.

Between:-

S. A. Rasool.

.....Applicants.

- And
- 1) The superintending surveyor in charge, No. 51 party (Sec) survey of India. Race course Road, Malakpet, Hyderabad
 - 2) The director, No. 51 party (Sec) survey of India, Barkatpura, Hyderabad-27.

.....Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to ~~as an applicant~~

call for the records relating to the impugned proceedings No. C. 31/18-B-7, 3rd March 87 and quash the same by holding that the said proceedings are illegal, arbitrary and cannot be sustained in the eye of law.

ORIGINAL APPLICATION NO.551 of 1987

(ORDERS OF THE TRIBUNAL)

The applicant herein is an employee of the Survey of India, No.78 Party (SCC), Uppal, Hyderabad questions the Order no.C.31/18-8-7 dated 3-3-1987 issued by the Superintending Surveyor in-charge of the above Party, which reads as follows :-

"O.C.51 Party (SCC) has intimated that you were drawn an LTC advance of Rs.2,730/- during May,1982. On the basis of your L.T.C. claim an amount of Rs.917/- reimbursed to you during September.82. Now it has been informed to us that the L.T.C. claim submitted you are proved to be false. You are therefore advised to refund the full amount together with interest and penal rate of interest failing which disciplinary action may be initiated against you."

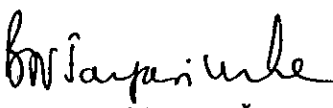
2. We have heard Sri D.Linga Rao, Counsel for the applicant and Sri N.R.Devaraj, C.G.S.C. for the Respondents. Prima facie, this order ^{reveals} ~~appears illegal~~ that the decision has been taken without any proper notice, without furnishing any details and without giving an opportunity to the applicant to represent his case. Sri Devaraj, Counsel for the Department states that ^{it} /is open to the applicant to make a representation or appeal against this order, which the applicant has not done so far, although

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the order was issued on 3-3-1987. The Department is willing to examine the representations made by the applicant and furnish him all the details available with them, which formed the basis for issued² the order of recovery and also give him an opportunity ^{for} to place^g his defence. In the ~~ix~~ circumstances, we direct the applicant to make a representations within 10 days from the date of this Order to the next superior authority and such authority shall dispose of the representation within a reasonable time. Till the disposal of the representation of the applicant by the authorities^(continued), the recovery ^{ordered} ~~proposed~~ to be made shall be stayed.

3. With the above directions, the application is disposed of at the time of admission.


B.N. JAYASIMHA
Vice-Chairman.

D. SURYA RAO
Member (Judl.)

3rd September, 1987.

RSR° .