

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1097 of 1993

DATE OF JUDGMENT: 8th September, 1993

BETWEEN:

Mr. N. Paparayudu

Applicant

AND

1. Union of India represented by
the General Manager,
South Central Railway,
Secunderabad.
2. The Divisional Railway Manager,
Personnel Branch (MG), HYB/SC,
South Central Railway,
Secunderabad.
3. The Divisional Personnel Officer (MG),
HYB/SC, ~~Offices~~
Secunderabad.

.. Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. K. Gangadhar, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. D. Gopal Rao, SC for Railways

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T. THIRUVENGADAM, MEMBER (ADMN.)

JUDGMENT

(As per Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman)

The applicant is working as Senior Labour Welfare Inspector. He submitted the bill No.002, dated 21.5.1991 for Rs.15,000/- towards stitching charges of 2,000 garments payable to Handicraft Centre, Bolarum. It is the case of the respondents

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that the stitching charges for 1,000 garments alone are payable and as there was ~~an~~ excess billing for an amount of Rs.7,500/- which was already paid on the basis of the bill, the impugned order dated 28.7.1993 for recovering the said amount in five equal instalments commencing from the salary bill of August, 1993 was passed. It is stated that the first instalment of Rs.1500/- was recovered from the salary bill of the applicant for August, 1993.

2. The contention for the applicant is that there is an infirmity in passing the impugned order as no show cause notice was issued before passing the said order. There is force in the said contention. Hence, the impugned order is liable to be set-aside in view of the above infirmity. But this order does not debar the 3rd respondent from taking such steps that are open to him in regard to the recovery in accordance with the law after giving necessary show cause notice to the applicant. It is also just and proper not to direct refund of Rs.1500/- which was recovered from August 1993 bill unless a decision is taken by the 3rd respondent not to take any steps for recovery or till after the disposal of the proceedings if they are going to be initiated for recovery of Rs.7,500/-. It is needless to say that the question of refund of Rs.1,500/- will arise if ultimately it is going to be found that the applicant is not liable to pay the said amount of Rs.7,500/-.

3. It is submitted that the 3rd respondent had already initiated the disciplinary action in regard to this alleged ~~excess~~ ~~of~~ billing and there is no bar for continuing the said disciplinary proceeding.

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4. The OA is ordered accordingly at the admission stage.
No costs.

(Dictated in the open Court).

P.J.24
(P.T.THIRUVENGADAM)
MEMBER(ADMN.)

H.K.Rao
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th September, 1993.

vsn

Dy. Registrar(Judl.)

Copy to:-

1. General Manager, South Central Railway, Union of India, Secunderabad.
2. The Divisional Railway Manager, Personnel Branch(MG), HYB/SC, South Central Railway, Secunderabad.
3. The Divisional Personnel Officer(MG), HYB/SC, Secunderabad.
4. One copy to Sri. K.Gangadhar, advocate, 6-6-449, Gandhinagar, Secunderabad-380.
5. One copy to Sri. D.Gopal Rao, SC for Railways, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

16/9/93

C.C. by
13/9/93 O.A. 1097/93

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDrasekhar REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 8/9/

-1993

ORDER/JUDGMENT: _____

M.A/R.A/C.A.N.

O.A. No.

1097/93

T.A. No.

ordered (W.P.)
Admitted and Interim directions
issued. *Costs of the Application*

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm

