

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.No.764/96.

Dt. of Decision : 27-6-96.

D. ESWARAPPA

.. Applicant.

Vs.

The General Manager,  
Ordnance Factory,  
Yeddumailaram-502 205,  
Medak District.

.. Respondent.

Counsel for the applicant : Mr. Shastri for  
Mr. V. Jagapathi.

Counsel for the Respondent : Mr. V. Rajeswara Rao,  
Addl. CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member(Admn.))

Heard Mr. Shastry for Mr.V.Jagapathi, learned counsel for the applicant and Mr. V.Rajeswara Rao, learned counsel for the respondent.

2. The applicant in this OA while working as Safaiwala in the Ordnance Factory Project at Medak sustained injury in right leg on 10-06-95. It is stated that this injury had occurred while discharging his duties. The applicant therefore was admitted in the Hospital on 11-06-95 and he was discharged making him fit for duties w.e.f., 12-09-95 as can be seen from the letter No.17/MED/FIT/11.99/95 dated - 11-09-95 (Annexure-VI) issued by the Medical Officer, Ordnance Factory Hospital. It is further stated that the applicant joined back duty on 12-09-95 and also <sup>for which</sup> the <sub>the</sub> period he was paid the salary without debiting the period <sup>to</sup> his leave <sub>to</sub> account. However, it is stated that <sup>the</sup> the period of sickness from 12-06-95 to 11-08-95 was treated as on duty and the rest of the period from 12-08-95 to 11-09-95 was not treated as on duty. Hence, it is stated that the excess amount for the period from 12-08-95 to 11-09-95 is sought to be recovered from him. The further contention of the applicant is that such recovery cannot be effected unless a show cause notice is issued to him. As no show cause notice was issued the recovery is irregular.. It is further stated that an amount of Rs.750/- had already been recovered from the salary of the applicant in the month of May 1996.



3. This OA is filed praying for a direction to the respondents to grant special leave to the applicant for the period from 12-06-95 to 11-09-95 and no amount is to be recovered from his pay for any portion of the sickness during that period. It is well settled law that whenever a recovery has to be made for excess amount ~~alleged to have~~ <sup>already</sup> ~~been~~ paid to the employee a show cause notice for such recovery has to be issued to him and on the basis of the reply the competent authority has to decide in regard to the recovery. As in this case no such show cause notice has been issued as averred by the applicant, it is essential that a show cause notice has to be issued to him for the proposed recovery and on the basis of the reply to be received by him a firm decision has to be taken in this connection. Till such time the issue is decided on the basis of the reply to the respondents from the applicant to the show cause notice to be issued no further recovery should be effected.

4. The OA is ordered <sup>accordingly</sup> at the admission stage itself as above. No costs.

(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 27th June 1996.  
(Dictated in Open Court)

SPR

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Copy to:-

1. The General Manager, Ordnance Factory, Yeddumailaram, Medak District.
2. One copy to Sri. V.Jagapathi, advocate, CAT, Hyd.
3. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

4/7/96 - OA-764/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

TPDNG

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

27/6/96

~~ORDER/JUDGEMENT~~

~~O.A. NO. / R.E. / C.P. NO.~~

O.A. NO.

in

764/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

H/ve sign 209

