

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1728/97.

Date of decision: 29th December, 1997.

Between:

K.R.Sahay.

..

Applicant.

and

1. The Director General, Naval Armament Inspection,
Naval Head Quarters, West Block-V, Wing No.1 FF,
R.K.Puram, New Delhi,
2. The Administrative Officer, Additional Director, MSQAA,
C/o DRDL, Manchanbagh, Hyderabad - 58.

Respondents.

Counsel for the applicant: Sri Krishna Devan.

Counsel for the respondents: Sri W.Satyanarayana for Sri N.R.Devaraj.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

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O.A.No.1728/97.

(per Hon'ble Sri B.S.Jai Parameshwar, Member (J))

Heard Sri Krishna Devan, the learned counsel
for the applicant and Sri W.Satyanarayana, for Sri N.R.
devaraj, the learned counsel for the respondents.

The applicant herein is working as Ammunition Examiner
under the Respondent No.2. The applicant is being aggrieved
by the deductions of Rs.2,540/- in the execution of the
Decree for maintenance and Rs.550/- in execution of a
Decree for money out of the salary payable to him for the
months of October and November, 1997 has filed this O.A.

The main grievance of the applicant is that the
Respondent No.2 while honouring the orders of the Courts
should have complied with Rule 75(1) of the Rules relating
to Receipts and Payments which reads as under:

Action to be taken with reference to a second
or subsequent attachment order:

- (1) If an order of attachment against a
Government servant is received before
a previous order of attachment against
the same Government Servant has been fully
complied with, the recoveries shall be made
by the disbursing officer so long as the
total amount recoverable with reference to
attachment orders is within the maximum
limit prescribed in Rule 74..

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: 3 :


The applicant herein suffered a Decree for maintenance in Case No.82/92 on the file of the Family Court, Varanasi and also a Decree ^{before} by the Small Causes Court, Kanpur in Nishpadan No.61/96, Moolvad No.160/95.

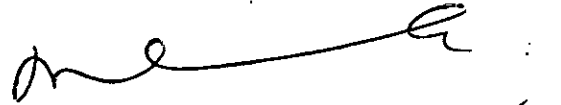
The 2nd respondent deducted the above sums as per the attachments issued by the said Courts.

His grievance is the Respondent No.2 should have postponed the attachments of Rs.550/- to a future month as it caused him much inconvenience. Rule 74 ~~Section 24~~ of the said Rules is applicable only for recovery of debts in attachment. In our humble opinion, the attachment of debts is quite different from the attachment of the amount towards maintenance. Hence, we cannot interfere with the action of the 2nd respondent in deducting Rs.2,540/- plus Rs.550/- from his salary for the months of October and November, 1997. In case, the applicant is aggrieved, he has to approach the Court which issued the ^{order for} warrants and pray for attachment of lesser amount or for ^{to a} postponing of attachment ~~for the~~ future months and in such an ^{the} event, Respondent No.2 will be bound by the orders issued by the competent Court. Hence, there are no reasons to entertain this O.A.

The O.A., is rejected at the admission stage itself.

No costs


B.S. JAI PARAMESHWAR,
Member (J) 29.12.97


R. RANGARAJAN,
Member (A) 29.12.97

sss.

Date: 29-12-1997
Dictated in open Court.

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DA 1728/97

Copy to:-

1. The Director General, Naval Armament Inspection,
Naval Head Quarters, West Block-V, Wing No.1 FF,
R.K.Puram, New Delhi.
2. The Administrative Officer, Additional Director, MSQAA,
O/o DRDL, Manchanbagh, Hyderabad.
3. One copy to Mr. Krishna Devan, Advocate, CAT., Hyd.
4. One copy to Mr. W. Satyanarayana for Sri N.R. Devaraj,
Sr. CGSC., CAT., Hyd.
5. One copy to BSJP (J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

12/1/98

VI Court

TYPED BY
COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. ~~J. S. S. S.~~ R. Rangarajan
VICE CHAIRMAN (A)

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)
B. S. Jai Parameswar
(J)

DATED: 29-12-1997

ORDER/JUDGMENT:

M.A./K.A./C.A.No.

In
O.A.No. 1728/97

T.A.No. QW.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH
-7 JAN 1998
HYDERABAD BENCH