

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

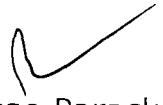
ORDERS OF THE TRIBUNAL

23.01.2014

OA No. 291/00039/2014

Mr. Shobhit Vyas, Counsel for applicant.

Heard learned counsel for the applicant. The OA is disposed of by a separate order.


(G. George Paracken)
Judicial Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 291/00039/2014

Jaipur, the 23rd day of January, 2014

CORAM:

HON'BLE MR. G. GEORGE PARACKEN, JUDICIAL MEMBER

Anoop Saran Mathur son of Late Shri B.S. Mathur, aged about 63 years, resident of 96 Padmawati Colony-A, Lane No. 8, Queens Road, Nirman Nagar, Jaipur. Retd. as Administrative Officer from Institute of Hotel Management Catering Technology & Applied Nutrition, Sikar Road, Jaipur.

... Applicant

(By Advocate: Mr. Shobhit Vyas)

Versus

1. Union of India through Secretary, Ministry of Tourism, Transport Bhawan, 1 Sansad Marg, New Delhi.
2. Principal Sec./Chairman, Department of Tourism, Institute of Hotel Management Catering Technology & Applied Nutrition, Government Secretariat, Government of Rajasthan, Jaipur.
3. Principal, Institute of Hotel Management Catering Technology & Applied Nutrition, Bani Park, Sikar Road, Jaipur.

... Respondents

(By Advocate: -----)

ORDER

PER HON'BLE MR. G. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the order of the respondents No.

IHM/2013/1676 dated 31.12.2013. The said order reads as under:-

"IHM/2013/1676

31.12.2013

Mr. A.S. Mathur,
96, Padmavati Colony,
Kings Road, Nirman Nagar,
Jaipur

Sub: Recovery of Rs.60,000/- paid to you for purchasing digital hearing aid.

As per ICU's observation, you have been paid Rs.60,000/-towards purchase of digital hearing aid, without recommendation of 3-ENT surgeon having facilities for audiometric assessment and without submission of bill at the fag end of your service, which is considered as irregular, and recommended to recover the amount. The BOG in 59th meeting held on 11.12.2013 directed the institute to recover the amount as per ICU observations.

This amount will be recovered in 24 instalments from pension/DA component from the month of January, 2014.

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This is for your information.

PRINCIPAL”

2. According to the learned counsel for the applicant, the aforesaid impugned order is arbitrary and illegal as no Notice was issued to him before passing the said order. He also submitted that he has already retired from service on 31.03.2011 and it is not permissible under the rules to recover the amount from his pension/DA.

3. I agree with the learned counsel for the applicant that the impugned order is arbitrary as the same was issued in violation of the principles of natural justice. The respondents should have given a show cause notice to the applicant to explain his position before passing the impugned order dated 31.12.2013 (Annexure A/1). They also should have convinced about the rule under which they were empowered to make recoveries from the Pension/DA of the applicant, as ordered by them. I, therefore, allow this OA and quash & set aside the aforesaid impugned order. However, if so advised, they may issue a show cause notice to the applicant and to give him an opportunity to explain his position. On receipt of the same, they may pass a reasoned and speaking order under intimation to him. If the applicant is still aggrieved by the decision thus taken by the respondents, he is at liberty to challenge the same by way of separate Original proceedings.

4. There shall be no order as to costs.


(G. GEORGE PARACKEN)
JUDICIAL MEMBER

AHQ