

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 210/2002

DATE OF ORDER: 11.2.2003

1. Surendra Kumar Joshi son of Shri Gopi Krishna Joshi aged about 32 years resident of 30R New Colony, Phulera, Dist. Jaipur.
2. Divakar Sukla son of Laxmi Narayan aged about 29 years F-12, Prem Nagar, Jhotwara, Jaipur.
3. Sanjay Taneja son of Shri Ram Kishan Taneja aged about 31 years, Resident of Plot No. 211, Frontier Colony, Adarsh Nagar, Jaipur.
4. Mukesh Yadav son of Shri Bali Ram Yadav, aged about 31 years, Plot No. 113, Bhagirath Nagar, Behind Arjun Nagar, Gopal Pura Baipass, Jaipur.
5. Prakash Chand Sony son of Shri Vasudev Prasad soni aged about 32 years, Ward No. 8, Purana Bazar, Khetri, District Jhunjhunu.
6. Prem Chand Verma son of Shri Nathu Lal Verma aged about 30 years, Add. Astriyan Ki Dhani, Goverdhan Pura Phulera, District Jaipur.
7. Ajay Kumar Jangid son of Shri Hira Lal Jangid, aged about 31 years, Add. Plot No. 14, Shri Ram Nagar-B, Near Niteshawar Mahadev Mandir, Kanta Kalwar, Road, Jhotwara, Jaipur.
8. Sumit Singh Tanwar son of Shri Surender Singh Tanwar, aged about 32 years, resident of C/111, Gandhi Colony, Karni Nagar, Nagnechi Ji Road, Bikaner.

(All applicants are posted as Diesel Assistant, D.H.Q. Phulera, District Jaipur).

.... Applicants

VERSUS

1. The Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western Railway, District Kota.
3. The Divisional Railway Manager, Western Railway, Jaipur Division, District Jaipur.

.... Respondents



Mr. P.P. Mathur, Counsel for the applicants .

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. H.Q. Gupta, Member (Administrative)

ORDER

PER MR. JUSTICE G.L. GUPTA

In this OA, it is prayed to quash and set aside the orders dated 4.7.2001 (Annexure A/1) and 28.2.2002 (Annexure A/2). It is averred that before ordering the recovery of the amount for the alleged over payment, the show cause notice was not given to the applicant. It is stated that the orders have been issued without following the principles of natural justice and liable to be set aside.

2. Reply has been filed wherein the respondents have tried to justify the two orders.

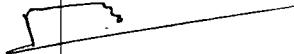
3. It is brought to our notice that after filing of the OA, the respondents have issued show cause notice to the applicants against the proposed recovery.

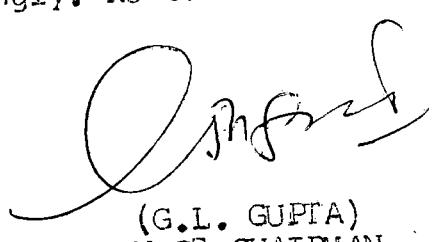
4. In view of this development, the learned counsel for the applicants says that the matter may not be decided on merits and the application be disposed of. He, however, prays that so long as decision is not taken on the replies of the applicant against the show cause notices, recovery may not be made. The learned counsel further submits that in case his clients are aggrieved with the subsequent order of the respondents, they will approach the Tribunal.



5. It is directed that no recovery shall be made pursuant under the orders dated 4.7.2001 (Annexure A/1) and 28.2.2002 (Annexure A/2) till decision is taken by the competent authority on the replies filed by the applicants to the show cause notices. The applicants, if have not submitted their replies to the show cause notices, may now submit their replies within fifteen days from today. If the applicants do not file their replies within the aforesaid period, the respondents shall be free to pass appropriate order in the matter.

6. The OA stands disposed of accordingly. No order as to costs.


(H.O. GUPTA)
MEMBER (A)


(G.L. GUPTA)
VICE CHAIRMAN