

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 745 of 2004

Jabalpur, this the 8th day of October, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Ashok Kumar Dixit, S/o. Shri
Ram Lal Dixit, Date of birth 8.5.65,
Conservator Assistant Gr. I, Archeological
Survey of India, R/o. 51, Dwarikapur Colony,
Near P & T Chouraha, Bhopal. ... Applicant

(By Advocate - Shri V. Tripathi)

V e r s u s

1. Union of India, through its Secretary, Ministry of Tourism and Culture, New Delhi.
2. The Director General, Archeological Survey of India, Janpath, New Delhi-01.
3. The Director (Administration), Archeological Survey of India, Janpath, New Delhi-01.
4. The Superintendent, Archeological Survey of India, Bhopal Circle, Bhopal. ... Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought the following main reliefs :

"(ii) set aside the impugned order dated 29.4.2004 Annexure A-2,

(iii) command the respondents to pay all consequential benefits as if the impugned order dated 29.4.2004 Annexure A-4 is never issued to the applicant."

2. Heard the learned counsel for the parties.
3. The learned counsel for the applicant stated that the respondents have passed the order for recovering the alongwith penal interest of Rs. 2,34,715/- amount of Rs. 2,00,000/- in 32 instalment of Rs. 7,500/- per month from the salary of the applicant. The applicant

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has filed an appeal (Annexure A-6) to the next higher authority requesting not to make recovery from his salary. He states that the appeal is still pending with them. He has also submitted that he will be satisfied if directions are given to decide his appeal within a time frame manner then and till the respondents be restrained from making recovery from his salary.

4. Mr. Pethia, who is present in the court on behalf of the respondents stated that he has instructions from the respondents to oppose to any directions given by the Tribunal against making the recovery.

5. Taking over all view of the facts and circumstances of the case, we deem it appropriate that ends of justice would be met, if we direct the respondents to consider and decide the appeal of the applicant Annexure A-6 by passing a speaking, detailed and reasoned order within a period of 4 weeks from the date of receipt of a copy of this order. We do so accordingly. The Registry is directed to give a copy of this order as well a copy of the petition to the learned counsel for the respondents. It is made clear that no recovery will be made till the appeal of the applicant is disposed of, if not already decided.

6. Accordingly, the Original Application stands disposed of. No costs.

(Signature)
(Madan Mohan)
Judicial Member

(Signature)
(M.P. Singh)
Vice Chairman

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पूर्णकल सं ओ/न्ना..... अवलम्बन, दि.....
प्रतिक्रिया अद्य किएः—
(1) लिपि, उच्च व्यापार दर वार्तालाभ, अवलम्बन
(2) अद्यतन दी/मीटिंग/कु..... के काउन्सिल
(3) प्रतिक्रिया/मीटिंग/कु..... के काउन्सिल
(4) ग्राम पंचायत, अवलम्बन वार्तालाभ
सूचना एवं आवश्यक कार्रवाई के
काउन्सिल

(Signature)
S. Paul
KN Pethia

(Signature)
काउन्सिल

(Signature)
12/10/04