

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO.126 of 2003

Jabalpur, this the 27th day of February, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (A)
Hon'ble Mrs.Meera Chhibber, Member (J)

Gul Mohd., aged 59 years,
S/o late Shri Khairat Hussain, Tool
Setter, BVFJ, R/o New Ahmad Nagar,
Maharia, Adhartal, Jabalpur.

-APPLICANT

(By Advocate- Mr.S.Nagu)

Versus

1. Union of India through the Secretary, Ministry of Defence, Production, Government of India, South Block, New Delhi.
2. Chairman, Ordnance Factory Board, 10-A, Shaheed Khudiram Bose, Road, Calcutta.
3. Senior General Manager, Vehicle Factory, Jabalpur.

-RESPONDENTS

O R D E R (ORAL)

By R.K.Upadhyaya, Member (Admnv.):

The applicant is aggrieved by the order dated 21.2.2003 (Annexure A-4) by which the recovery @ 50% of gross monthly wages of the applicant has been ordered from the month of Feb.2003 onwards. Earlier the applicant had file OA No.884/2002, which was disposed of by order dated 8.1.2003 in which the applicant was directed to make a representation and the respondent No.3 was directed to re-consider the amount of monthly installment to be recovered from the salary of the applicant. The impugned order dated 21.2.2003 has been passed in pursuance to that order of this Tribunal.

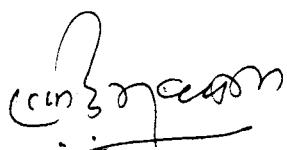
2. It may be recalled that the applicant was compulsorily retired from service and subsequently reinstated. He was

also paid retiral dues and the amount already paid is now proposed to be recovered from the salary of the applicant. When the applicant had filed earlier O.A. No.884/2002, the quantum of recovery was @ Rs.5,000/- per month and it was stated by the applicant that only an amount of Rs.735/- was left for his expenses. Now by the impugned order dated 21.2.2003, the respondents have reduced the quantum of recovery and had restricted the recovery @ ~~50%~~ 50% of the monthly wages. The learned counsel of the applicant states that recovery from the salary is not under dispute, but the monthly instalment is ~~excessive~~ particularly pending consideration of regularisation of absence of the applicant during the period from 06.06.1994 to 24.8.2001. It is also stated that the applicant is ~~intend~~ to retire on super-annuation on 30.4.2003.

3. After hearing the learned counsel of the applicant and after considering the facts of this case, we do not find any justification to interfere with the orders of the respondents. In our opinion, the amount recoverable from the applicant, ~~the same~~ ^{can} should have been recovered as early as possible. The respondents themselves have now reduced the quantum of monthly installment 50%..which appears reasonable particularly in view of the fact that the applicant is going to retire on 30.4.2003. On the facts of this case, no interference is called and this O.A. is rejected at the admission stage itself.



(Mrs. Meera Chhibber)
Member (J)



(R.K. Upadhyaya)
Member (A)