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CENTRAL ADMINISTRATION TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 384 of 2002

Jabalpur, this the 8th day of January, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. R.K. Upadhyaya Member (Adminv.)

Gul Mohammad, aged about 55 years,
S/o late Shri Khairat Hussain, Tool
Settar, BVEJ, R/o New Ahmed Nagar,
Moharia, Adhartal, Jabalpur.

-APPLICANT

(By Advocate- Mr. S. Nagu)

Versus

1. Union of India, through the
Secretary, Ministry of Defence
Production, Govt. of India,
South Block, New Delhi.

2. Chairman,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose Road,
Calcutta.

3. General Manager,
Vehicle Factory, Jabalpur.

-RESPONDENTS

(By Advocate- Mr. P. Shankaran)

O R D E R (ORAL)

This application has been filed with a request to quash the order of recovery dated 14.11.2002 (Annexure A/1) by which an amount @ Rs.5,000/- p.m. is to be recovered from the salary of the applicant from the month of Nov.2002 onwards. The total amount recoverable is stated to be of Rs.2,53,141/-.

2. It is stated by the learned counsel of the applicant that the basic salary of the applicant is only Rs.2,885/- and by reference to Document-1 filed through MA No.35/2003, the learned counsel of the applicant states that after deduction of Rs.5,000/-, carry home pay was only Rs.735/-. The gross amount paid to the applicant also included

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overtime payments of Rs.1,204/-. The learned counsel further states that the applicant is to retire on superannuation on 30.4.2003. Even if the recovery @ Rs.5,000/- p.m. is continued, the entire alleged amount of Rs.2,53,141/- is not likely to be recovered before his retirement. On the other hand, the applicant will be put to a lot of inconvenience as he will have nothing to spend for himself and his family. It was also pointed out that the appeal of the applicant regarding payment of arrears etc. are pending for considering before the Appellate Authority, as the applicant was not on duty w.e.f. 6.6.1994 to 24.3.2001. The applicant was compulsorily retired and subsequently reinstated. The claim of the learned counsel is that the order of recovery should be quashed or in the alternative, reasonable amount should be ordered to be recovered from his salary.

2. The learned counsel for the respondents have stated that the applicant was imposed penalty of compulsory retirement from service on 6.6.1994. The appeal against regularisation of the absence for the remaining period of absence from 13.6.1994 to 24.8.2001 is still pending for consideration of the Appellate Authority.

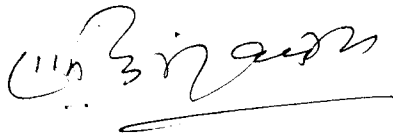
3. After hearing the learned counsel of both the parties, the order of recovery dated 14.11.2002 (Annexure A/1) is quashed and set-aside for passing a fresh order and respondent No.3 is directed to re-consider the amount of monthly installment to be recovered from the salary of the applicant keeping in view the gross emoluments being paid to the applicant and pendency of his appeal for regularisation of un-regularised period of absence before his reinstatement. It may be clarified that any amount, which was already recovered may not be refunded till final

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decision of regularisation of applicant's claims. The applicant is directed to make a representation to respondent No.3 within a period of one week from today regarding recovery to be made from him alongwith copy of this order. If such representation is made, respondent No.3 is directed to dispose of the same by speaking order within a period of two months and no recovery made of the alleged amount recoverable during pendency of this representation.

4. In view of the above directions, this application is disposed of without any order as to costs.



(R.K. Upadhyaya)
Member (Adminv.)



(N.N. Singh)
Vice Chairman

'MA'

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पृष्ठसंख्या सं जो/न्या.....जबलपुर, दि.....
पतिलिपि अर्जो धारक.....

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) उपाध्यक्ष, उच्च न्यायालय, जबलपुर

(3) अध्यक्ष, उच्च न्यायालय, जबलपुर

(4) उपाध्यक्ष, उच्च न्यायालय, जबलपुर

सूचना एवं आदेशिका

S. Naga, Adl
P. Shankaran, Adl

16/1/03

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