

Central Administrative Tribunal  
Jabalpur Bench at Gwalior

OA No.221/1999

Gwalior, this the 29th day of October, 2003.

Hon'ble Mr. Shanker Raju, Member (Judl)

R.K. Phanu

-Applicant

(By Advocate Shri - None)

-Versus-

Union of India & Others

-Respondents

(By Advocate - None)

ORDER

Applicant on handing over charge on transfer from Sitamarhi to Gwalior issued by the Director of Field Publicity on 31.8.1995 to his successor all the balance articles. A recovery of Rs.20,553/- was shown in the L.P.C. as the cost of utencils and publicity material supplied to applicant during his stay for the period from September, 1992 to August, 1995.

As applicant remained on earned leave from 22.3.1994 to 26.3.1994 he was recalled on duty on 22.3.1994 by the Regional Director and his salary for the period was deudcted holding him absent from duty unauthorisedly.

2. As none has appeared either for the applicant or for respondents the OA is decided in terms of Rules 15 and 16 of the Central Administrative Tribunal (Procedure) Rules, 1987.


3. In the OA it is contended that recovery of Rs.20,553/- shown in the LPC is illegal and applicant

had given the complete account of the material and utensil even then the cost has been communicated to applicant and five days' salary has been deducted. It is also stated that though applicant was having sufficient leave to his credit, yet he was recalled from E.L. by the Director. As such he is entitled for the aforesaid amount. In this view of the matter it is stated that the recovery may be refunded to him.

4. Respondents in their reply contended that recovery had already been effected and it is contended that applicant was on deputation in the Field Publicity. On completion of his deputation applicant joined his parent department. Instead of taking clearance from the respondents he had joined the parent department and therefore the respondents have rightly shown recovery in the LPC. In nut-shell it is contended that it was the responsibility of applicant to count for the missing articles and this has been rightly deducted from his salary.

5. I have carefully considered the pleadings on record. In my considered view applicant having failed to maintain the account for the missing articles, which he had validly received from his predecessor on transfer if the articles are missing is entitled to pay to respondents the value of the same. As such, as he has not handed over the said articles the recovery effected cannot be found fault with.

6. In so far as leave is concerned, as E.L. was sanctioned respondents on explanation from applicant an amount of Rs.709/- would be released on clearance of the outstanding dues against applicant. In this view of the matter I do not find any infirmity in the recovery ordered against applicant. Accordingly the OA fails and is dismissed. No costs.

  
(Shanker Raju)  
Member (J)