

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 612 of 1999

Jabalpur, this the 9th day of January, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

D.K. Raghuvanshi S/o
Aged about 45 years
Working as Sub-
Divisional Engineer
(O & N) posted at
Hoshangabad. R/o
Hoshangabad, M.P.

APPLICANT

(By Advocate - Shri Manoj Shanghi)

VERSUS

1. The Union of India
Through its Secretary
Department of
Telecommunication,
Sanchar Bhavan,
New Delhi.
2. Chief General
Manager, Telecommunications,
M.P. Telecom circle,
Bhopal, M.P.
3. Director(Finance and
Accounts) C/o Chief
General Manager, Telecommunications,
M.P. Telecom Circle
Bhopal, M.P.
4. Telecom District
Manager, Khandwa
District Khandwa.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By filing this application, the applicant is seeking a direction to quash the proceedings of recovery of Rs. 45,617/- from his pay and to quash the order dated 20.1.1999 issued by the Director Finance and Accounts Bhopal.

2. The brief facts of the case^{as} stated by the applicant are that he is working as Sub-Divisional Engineer(O&M) Hoshangabad in department of Tele Communication. Earlier in the year 1992, he was posted as S.D.O.(Ph) Khandwa. At that time, he had to meet the expenses towards the work of Telecom Department, for which an account named

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ACE-2 was maintained in the name of the applicant by the Accounts Officer. As per the existing practice, if any discrepancy in the amount of ACE-2 Accounts, had been pointed out then, an objection from the Accounts Officer was raised for particular accounts of ACE-2 of the officer that if any excess payment was traced out then it might be treated as disallowed amount. During the posting of the applicant at Khandwa as S.D.O.P., ^{at} several ~~times~~ ^{if l} objections were raised by the Accounts Officer in the ACE-2 accounts and the applicant gave satisfactory reply to all the objections in his ACE-2 accounts within time. Thus, not a single paise had been disallowed and ^{it l} had cleared all the accounts of the applicant. The respondents have issued order dated 20.1.99 directing the recovery of the disallowed amount of Rs.45,617/- from the pay of the applicant. Aggrieved by this, he has filed this OA.

3. The respondents have filed their reply stating that after scrutiny of the ACE-II Account, objection memoes were issued along with reminders but the applicant failed to respond to the same. Vide letter dated 2.8.1994 it was conveyed to the applicant that it was ^{his l} the personal responsibility to submit a reply to the objection memoes and if he fails to do so, it would be presumed that he agrees with the objections and the disallowed amount would be recovered from his pay and noted on L.P.C. The respondents bring on record the copies of such letters as Annexures-R-1 to R-28. Thus, the applicant was given sufficient opportunity which he did not avail of before recovery was ordered for by the competent authority. The recovery amount has been transferred on L.P.C. to S.S.A. Hoshangabad (Annexure-R-29).

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4. Heard the learned counsel for the parties and perused the record.

5. The learned counsel for the applicant has drawn my attention to the letter dated 27.5.98(Annexure-A-5) wherein DET Bhopal stated that "seeing the importance and out-put of the work the objections are minor. While going through the replies submitted by Shri D.K. Raghuwanshi SDE, I am satisfied with them and recommended for admittance for clearance of the outstanding recoveries". The learned counsel for the applicant has also submitted that DET Bhopal, who is the competent authority has given his clearance to the applicant and, therefore, the applicant is not responsible for disallowed amount.

6. On the other hand, the learned counsel for the respondents has stated that the applicant has been issued 28 memoes to clarify the details of the disallowed amount. The applicant ~~to these memoes~~ has not clarified the position. Hence the order dated 20.1.1999 has been passed by the respondents stating that no justification has been found for stopping the recovery of the disallowed amount.

facts and circumstances of the case, I feel that
7. In the ~~it~~ it would be appropriate if the applicant is directed to submit his detailed representation and furnish his ~~xxxxxxof xxxxxxxxx~~ clarification sought for by the respondents vide their memoes R-1 to R-28. Accordingly, the applicant is directed to submit his reply and give clarification to the objection memoes issued by the respondents within a period of one month. The respondents will consider the clarification submitted by the applicant and pass a speaking, detailed and reasoned order within a period of 2 months from the date of receipt of a copy of clarification of the applicant. Till the decision is taken by the respondents

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on the representation/clarification submitted by the
applicant, no recovery should be made from the
applicant from his salary. Accordingly, the OA is
disposed of with the above direction. No costs.

पृष्ठांकन सं ओ/ज्या.....जवतलपुर, दि.....
प्रसिद्धि कार्यालय:-

- उप रजिस्ट्रार
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