

15

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00650/2014

Decided on : 23.04.2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Surinder Singh, S/o Sh. Mukhtiar Singh, r/o H.No.557-B, Sector 32-A,
Chandigarh, Store Keeper Grade II, Director Punjab, Haryana and
Chandigarh GDC, Survey of India, Chandigarh.

Applicant

Versus

1. Union of India through Secretary to Government of India, Ministry of Science and Technology, New Delhi.
2. The Surveyor General of India, Hathibarkala Estate, Dehradun, Uttrakhand.
3. The Additional Surveyor General, Northern Zone, Survey of India, Sector 32-A, Chandigarh.
4. Director Punjab, Haryana and Chandigarh GDC, Survey of India, Sector 32-A, Chandigarh.

Respondents

Present: Mr. R.C. Sharma, counsel for the applicant
Mr. Deepak Agnihotri, counsel for the respondents

ORDER
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of the impugned order dated 20.01.2014 (Annexure A-4) of respondent no.2 and further set aside the impugned order dated 03.02.2014 (Annexure A-5) of Director Punjab, Haryana and Chandigarh GDC, i.e. respondent no.4 ordering



recovery of an amount of Rs.28,110 from the applicant against PC Tablet along with impugned order dated 07.08.2013 (Annexure A-2) of Director Punjab, Haryana and Chandigarh GDC.

2. Averment has been made in the OA that the applicant had been working as Store Keeper Grade II in the O/o Survey of India, respondent no.3 at Chandigarh. He started taking over charge as Store Keeper Grade II on 06.12.2007 and the process of taking over charge went on upto 2008. The physical verification of the store was also conducted simultaneously by Sh. Kartar Singh, the official deputed for the purpose. It was noticed at the time of physical verification as also on record that one PC Tablet No.530Y033 was not in store and it was shown to have been issued to Director of the erstwhile HGDC. Thereafter GDCs were merged to form one Directorate namely Punjab, Haryana and Chandigarh GDC. As per the records, the PC Tablet was received by Sh. Somnath Sharma, Store Assistant on 02.05.2006, but in the physical verification during 2007-2008 it was learnt that it was never in the store and was rather with Director HGDC. After the GDCs got merged the applicant was occupied in post merger handing over activities and condemnation proceedings. The issue of the PC Tablet again surfaced in 2010 as it was not in the store and then enquiry was also held in this regard. The applicant was served with letter no.C-135/15-L-4, dated 23.08.2013 of the office of Addl. S.G. Northern Zone, Survey of India, thereby intimating that a letter dated

12 —

17
07.08.2013 of Director Punjab, Haryana and Chandigarh GDC, bearing No.C-267/15-L-4/enquiry, has been received, whereby it had been informed that the applicant had been found responsible for loss of the PC Tablet No.KRD 530Y033. Consequently, recovery of an amount of Rs.28,110 is to be effected from him being the amount of depreciated value of missing PC Tablet No.KRD 530Y033. Copies of the letters dated 23.08.2013 and 07.08.2013 are annexed as Annexure A-1 and A-2 respectively.

3. It is further stated that the applicant was shocked and aggrieved by these letters as he was not even aware of the enquiry holding him responsible for the PC. The applicant, therefore, sought the detailed information along with relevant records under RTI Act and he was provided with the information vide letter dated 10.10.2013 (Annexure A-3 Colly.). After careful scrutiny of the records and information received, the applicant found that there was no finding of the enquiry board that the applicant was responsible to make good the loss of PC Tablet. Not only the contents of the letter dated 07.08.2013 of Director Punjab, Haryana and Chandigarh GDC (A-1) were factually incorrect, but were also against the principles of natural justice. The applicant therefore submitted a representation in this regard (Annexure A-4). The representation of the applicant was rejected by respondent no.2 by way of non-speaking order dated 20.01.2014, holding the applicant responsible on the erroneous ground that he did not

us —

report to the higher authorities. As a consequence of order dated 20.01.2014 impugned order dated 03.02.2014 for recovery of Rs.28,110 from the applicant had been issued by respondent no.4 (Annexure A-5).

4. In the grounds for relief, reference has been made to the statements of Sh. B.C. Parida, Superintending Surveyor, Sh. Somnath Sharma, Store Assistant, Sh. P.K. Uniyal, Officer Surveyor and Sh. Kartar Singh, Officer Surveyor to show that one Tablet PC was with former Director HGDC.

5. In the written statement filed on behalf of the respondents, it has been stated that Sh. Surinder Singh was working as Store Keeper Grade II in Punjab, Haryana and Chandigarh GDC, Chandigarh and superannuated from Govt. service on 31.05.2014. During 2009, Haryana GDC and Punjab and Chandigarh GDC were merged and a new Punjab, Haryana and Chandigarh GDC was formed at Chandigarh. Prior to this merger, Sh. Surinder Singh was working with Haryana GDC and post merger he was posted in newly formed Punjab Haryana and Chandigarh GDC, Chandigarh. Due to merger of the GDCs, respective stores were also merged. During the store reconciliation exercise while taking over the charge of instruments in stores from Sh. Surinder Singh, it was reported by Sh. N.K. Sharma, S.K.Gde, II that one Tablet PC No.530Y033 was found short. Sh. Surinder Singh was asked to explain shortage of this item i.e. Tablet PC No.530Y033. A Board was constituted to investigate the matter,

As _____

check all records, to examine all the individuals associated with the matter and submit the inquiry report to the Director, PHC GDC. The Board so constituted after investigation of the full facts of the case submitted the inquiry report. The Board did not gave any conclusion or recommendations in the case and the inquiry report along with the original documents related to the inquiry were sent to the next higher authority i.e. Additional Surveyor General, Northern Zone. Further, all the documents related to the inquiry were sent by the Addl. S.G., Northern Zone to the Surveyor General of India, Dehradun for necessary action. This subject matter was thoroughly examined and deliberated at Surveyor General Office and Surveyor General of India finally ordered recovery of the depreciated value of Rs.28,110 of PC Tablet No.530Y033 from the individual who was held responsible for the loss. Since Sh. Surinder Singh, S.K. Gde.II (Retd.) was held responsible for the loss of PC Tablet in question as the shortage was reported only by the official taking charge from him. Sh. Surinder Singh himself had never reported any shortfall, so recovery order was given to recover the said amount from him. Hence, this office has taken immediate action to recover the cost of lost stores the moment the loss was reported and has been done in public interest in recovering the depreciated value of Rs.28,110 as these stores were from public exchequer and their loss has caused loss to the Government. Since Sh. Surinder Singh, S.K. (Retd.) was working at Northern Zone Office at Chandigarh during the pronouncement of order, hence, recovery orders

u ———

were conveyed through Addl. Surveyor General, Northern Zone, Chandigarh. V

6. Rejoinder was filed on behalf of the applicant and reply to the rejoinder has been filed on behalf of the respondents on 18.02.2014.

7. Arguments advanced by the learned counsel for the parties were heard, when learned counsel for the applicant pressed that there was nothing on the record to show that the PC Tablet was ever available in the stores. He stated that the statements of the persons referred to in the OA pointed to a Senior Director having taken the PC Tablet and it was quite possible that the same had not been returned by him and the responsibility was now being put on the applicant on account of loss of the PC Tablet. The respondents had not been able to show that any attempt was made to inquire from the Senior Director referred to regarding the fate of the PC Tablet.

8. Learned counsel for the respondents stated that a proper inquiry had been held into the matter at the higher level also and the Surveyor General of India had perused the case, sought further clarifications in the matter and finally concluded that the applicant was responsible for the cost of the PC Tablet in question and hence the recovery of the depreciated value of the PC Tablet had been ordered.

As ———

9. We have given our thoughtful consideration to the matter.

From the material on record it is not at all clear that the respondents have conducted a proper inquiry regarding the PC Tablet issued to one of the Senior Officials i.e. Director HGDC. The applicant has retired from service, he is a low paid employee and it is grossly unfair to pin the blame for the loss of the Tablet on him without associating him in the inquiry that took place at the level of the Surveyor General of India. Hence the impugned order dated 20.01.2014 (Annexure A-4) and 03.02.2014 (Annexure A-5) are quashed. The OA is allowed and the amount recovered from the applicant may be refunded to him by the respondents within a period of one month from the date of receipt of a certified copy of this order. No costs.



(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.



(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh

Dated: 23.04.2015

sv: