Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3588/2015

Order Reserved on: 25.05.2017
Order pronounced on 30.05.2017

Hon'ble Shri V.   Ajay   Kumar, Member (J)

Professor H.C.Rai
S/o Late Balraj
Controller of Examinations (Retired)
Guru Gobind Singh Indraprastha University
Sector-16 C, Dwarka
New Delhi – 110 078.
and
R/o-24, Priya Enclave, Karkardooma
Delhi – 110092.   …   Applicant

(By Advocate: Shri K.K.Srivastava)

     Versus

1. Chairman
   All India Council for Technical Education
   7th Floor, Chanderlok Building, Janpath
   New Delhi – 110 001.

2. Vice Chancellor
   Guru Gobind Singh Indraprastha University
   Sector-16 C, Dwarka
   New Delhi – 110078.   …   Respondents

(By Advocate: Ms. Puja Sarkar for Shri Anil Soni for R-1)

O R D E R

By Shri V.   Ajay   Kumar, Member (J)

The applicant, a retired Controller of Examinations, filed the OA questioning the Annexure A12-Memorandum dated 23.06.2015,

whereunder directions were issued to deduct an amount of Rs.50,000/- from the salary of the applicant.

2. In brief, the Hon'ble Supreme Court of India in **Parshavanath Charitable Trust and Others** v. **All India Council for Technical Education and Others,** Civil Appeal No.9048/2012 (arising out of SLP(C) No.26086 of 2012) [Annexure A4], dated 13.12.2013, having found fault with the action of the AICTE in granting approval for the academic years 2008-2009, and 2009-2010, for the College run by the Trust, while imposing cost of Rs.50,000/- on the AICTE, observed that the same would be recovered from the salary of the erring officials/officers involved in the erroneous approach and the recovery shall be affected in accordance with law.

3. In compliance of the aforesaid orders of the Hon'ble Apex Court, justice (Retd.) R.G.Sindhakar was appointed to conduct the inquiry against the applicant and one Dr.Dev Vrat Singh, who were involved in granting approvals to the Parshavnath College of Engineering, Thane. The said Justice (Retd.) R.G.Sindhakar, vide his report dated 24.09.2013 (Annexure A7), held that the applicant is responsible for granting of the approval and should be called upon to pay the costs solely, and Dr. Dev Vrat Singh was declared not responsible and not liable to share the costs.

4. Thereafter, a Show Cause Notice was given to the applicant calling upon him why the costs of Rs.50,000/- shall not be recovered from him and after considering the representation dated 11.06.2014

(Annexure A10) of the applicant, the 2nd Respondent, vide impugned Annexure A12, dated 23.06.2015, directed to recover the said amount of Rs.50,000/- from the salary of the applicant. Accordingly, the respondents recovered the said amount from the applicant. Hence, the OA.

5.   Heard Shri K.K.Srivastava, the learned counsel for the applicant and Ms. Puja Sarkar, proxy of Shri Anil Soni, the learned counsel for Respondent No.1, and perused the pleadings on record.

6.   The learned counsel for the applicant while not disputing the aforesaid facts, however, submits that the respondents have no power to effect the impugned recovery and that no proper opportunity was given to the applicant before passing the impugned orders of recovery.

7.   We find no force in the submissions made by the applicant's counsel. The recovery order was passed not by way of any disciplinary action but only in compliance of the orders of the Hon'ble Apex Court. The Justice (Retd.) R. G. Sindhakar Committee as well as the 2nd Respondent, before holding that the applicant was responsible for granting of approval to the Parshavnath College of Engineering, Thane, and was responsible to make good the costs imposed by the Hon'ble Apex Court, considered the representations made by the applicant and thereafter only passed the impugned recovery orders. The action of the respondents, in our view, is in accordance with law and after following the principles of natural justice and in terms of the orders of the Hon'ble Apex Court.

8.   In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly, the same is dismissed.   No costs.

(V. Ajay Kumar)
Member (J)

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