

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 040/00007/2017

Date of Order: This, the 21st day of February 2018

THE HON'BLE MR. S.N. TERDAL, JUDICIAL MEMBER

Dr. Jogendra Nath Bora
Son of Late Nityananda Bora
Resident of House No. 1, Ward No. 16
Near Don Bosco School, Sonaighuli
P.O. – Sawkuchi, Guwahati – 781040
District – Kamrup (Assam).

...Applicant

By Advocates: Mr. A. Dasgupta, Sr. Advocate, Mrs. B. Das
Mr. B. Das and Mr. Raja Sarkar

-Versus-

1. The Controller of Accounts
Principal Account Office
16-A Akbar Road Hatments Annexe
New Delhi – 110 011.
2. Secretary
Poultry & Fisheries
Govt. of India
Department of Animal Husbandry
& Farmers' Welfare
Dairying & Fisheries, Ministry of Agriculture
Krishi Bhawan, New Delhi – 110114.
3. Director Incharge
Central Poultry Development Organisation
Western Region, Aarey Milk Colony
Goregaon (East) Mumbai – 400065.
4. Director Incharge
Central Poultry Performance
Testing Centre
Bagumpur Khatola
P.O. – Narsinghpur, Gurgaon – 122001.

5. Pay & Accounts Officer
Ministry of Agriculture
Department of Animal Husbandry
Dairying & Fisheries
Exchange Building
Ground Floor, Sprott Road
Ballard Estate, Mumbai – 400001.

... Respondents

By Advocate: Ms. G. Sutradhar, Addl. CGSC

ORDER (ORAL)

MR. S.N. TERDAL, MEMBER (J):

This O.A. is filed by the Applicant seeking a direction to the Respondents to refund Rs. 4,94,591/- deducted from his gratuity.

2. Heard Mr. A. Dasgupta, Sr. Advocate assisted by Mr. B. Das, learned counsel for the Applicant and Ms. G. Sutradhar, learned Addl. CGSC for the Respondents.

3. Earlier this Tribunal while disposing of the O.A. No. 040/00348/2015 on 18.11.2015 directed the Joint Secretary, Govt. of India, Ministry of Agriculture, New Delhi to dispose of the representation of the Applicant dated 17.04.2014 after giving personal hearing. In compliance of the said order, the Under Secretary to the Government of India, Ministry of Agriculture & Farmers Welfare, Department of Animal Husbandry, New Delhi by Minutes of the Hearing dated 14.07.2016 stated that as the recovery

is based on audit objection, it is for the Principal Accounts Officer, Department of Agriculture to pass an order considering the representation of the Applicant. Subsequently, the said Principal Accounts Officer, by his order bearing No. AGRI/IA/DLI/CPPTC, Gurgaon/48/2014-2014-15/698-99 dated 26.10.2016 disposed of the representation of the Applicant dated 29.08.2016.

3. But, however, said order dated 26.10.2016 is not a detailed nor speaking order supporting by any rules. In the circumstances, said Principal Accounts Officer, New Delhi is hereby directed to pass a speaking and detailed order supported by relevant Rules within a period of four months from the date of receipt of this order.

4. O.A. is disposed of. No order as to costs.

(S.N. TERDAL)
JUDICIAL MEMBER

PB

INDEX

| <u>Sl. No.</u> | <u>Particulars</u> | <u>Annexure</u> | <u>Page</u> |
|----------------|---|-----------------|-------------|
| 1. | Original Application | | 1-10 |
| 2. | Verification | | 11 |
| | A copy of the order of posting issued to the applicant on 10.10.2007 | A | 12 |
| 3. | A copy of the order dated 13.05.09. | B | 13 |
| 4. | A copy of the letter dated 10.05.2011. | C | 14-17 |
| 5. | A copy of the reply dated 17 th May 2011 against the internal audit reported submitted by the applicant. | D | 18-20 |
| 6. | A copy of the communication dated 13.07.2011. | E | 21-22 |
| 7. | A copy of letter dated 18.07.2011 | F | 23-24 |
| 8. | A copy of letter dated 25.08.2011. | G | 25- |
| 9. | A copy of communication dated 30.08.2011 made by the applicant. | H | 26-27 |
| 10. | A copy of the communication dated 09.09.11. | I | 28-29 |
| 11. | A copy of the communication made in the month Sept. 2011. | J | 30-31 |
| 12. | A copy of the order dtd. 30.10.2011 passed by the Pay and Accounts Officer . | K | 32-33 |
| 13. | A copy of the representation dated 17.04.14. | L | 34 |
| 14. | A copy of the order passed by the hon'ble Tribunal On 18 th November, 2015 | M | 35-38 |
| 15. | Copies of the letter dtd. 8 th June 2016 and minutes Of the hearing held 14 . 7.2016 to the Under Secretary. | N & O | 39-40 |
| 16. | A copy of the representation submitted by the applicant 29.8.2016. | P | 41-43 |
| 17. | A copy of the communication dtd. 26.10.2016. | Q | 44-45 |
| 18. | Vakalatnama | | |
| 19. | Notice. | | |

Filed by

RESPONDENTS' ANNEXURE:

| | | |
|---|---|--------------------|
| 1 | Order dated 10.10.2017 | Annexure – R/1 |
| 2 | Audit Objection | Annexure-R/2 |
| 3 | Ministry's letter dated 09.09.2011 and September 2011 | Annexure-R/3 & R/4 |
| 4 | Letter dated 30.10.2011 | Annexure-R/5 |
| 5 | Judgment dated 18.11.2015 | Annexure-R/6 |
| 6 | Letter dated 08.06.2016 and Minutes of hearing dated 14.07.2016 | Annexure-R/7 & R/8 |
| 7 | Letter dated 26.10.2016 | Annexure-R/9 |