

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO.060/00152/2019**

**Chandigarh, this the 18<sup>th</sup> day of February, 2019**

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MS. P. GOPINATH, MEMBER (A)**

Smt. Swarn Lata wife of Shri Raj Kumar, aged 62 years, Resident of Flat No. 3183, Pink Rose Enclave, Sector 49-D, Chandigarh – 160046 (Group B)

.....**Applicant**

**(Present: Mr. Rohit Sharma, Advocate)**

**Versus**

1. Union of India through Secretary to Government of India, Ministry of Information and Broadcasting BA (P) Section, A Wing, New Delhi – 110001.
2. The Chief Executive Officer, Prasar Bharat Secretariat, 7<sup>th</sup> Floor, Copper Nicus Marg, New Delhi – 110001.
3. Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi – 110001.
4. The Pay and Accounts Officer Darshan (M/o Information & Broadcasting) Room No. 214, 2d Floor, Akashwani Bhawan, Parliament Street, New Delhi – 110001.
5. Director, Doordarshan Kendra, Sector 37, Chandigarh – 160036.

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**Respondents**

**(Present: Mr. Sanjay Goyal, Advocate)**

**ORDER (Oral)  
SANJEEV KAUSHIK, MEMBER (J)**

1. By way of the present O.A., the applicant has assailed the order dated 04.07.2016 (Annexure A-1) whereby the respondents have effected recovery of Rs.2,31,843/- from the amount of leave encashment admissible to the applicant. He seeks invalidation of

this order to the extent of recovery part, in view of judgment of the Hon'ble Supreme Court in the case of **State of Punjab & Others Vs. Rafiq Masih (White Washer) & Others**, (2015) 4 SCC 334.

Learned counsel very fairly submitted that vide letter dated 02.03.2017 (Annexure A-16), the case of the applicant to waive recovery, in view of judgment passed in the case of Rafiq Masih (supra), was forwarded favourably to the Higher Authorities, when the applicant was in service, which is still pending consideration, as no decision on her representation has been communicated to her till date. Learned counsel prayed that the applicant would be satisfied if the respondents are directed to consider and finally decide her case to waive recovery, which was recommended vide Annexure A-16, in view of the law laid down by the Hon'ble Supreme Court in the case of Rafiq Masih (supra).

2. Issue notice to the respondents.

3. At this stage, Mr. Sanjay Goyal, Advocate, appears and accepts notice. He does not object to the disposal of the O.A. in the above manner. He, however, prays for two months time so that they can consider and finalize the case of the applicant in view of the law laid down in the case of Rafiq Masih (supra).

4. In the wake of above, the O.A. is disposed of, in limine, without commenting anything on merit, with a direction to the respondents to decide the representation of the applicant, which was recommended to the Higher Authority vide letter dated 02.03.2017 (Annexure A-16), in view of the law laid down in the case of Rafiq Masih (supra), by passing a reasoned and speaking order, within a period of two months from the date of receipt of a

copy of this order. M.A.NO. 060/00322/2019 also stands disposed of No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 18.02.2019**

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