

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1686/2018

Dated Friday, the 21st day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

V.S.Harikrishnan,
Asst. Engineer (HQ),
O/o The Chief Engineer,
Valuation Cell, Southern Region,
Income Tax Dept., Chennai 600 034.

...Applicant

By Advocate Dr.P.S.Vijayakumar

Vs.

1.Union of India, rep., by The Secretary,
Ministry of Urban Development,
Nirman Bhavan, New Delhi.

2.The Director General,
Central Public Works Dept. (CPWD),
Nirman Bhavan, New Delhi.

3.The Chief Engineer (SZ)I, CPWD,
Rajaji Bhawan, Besant Nagar,
Chennai 600 090.

4.The Superintending Engineer,
Chennai Central Circle I, CPWD,
Shastri Bhawan, Chennai 600 006.

5.The Executive Engineer,
Chennai Central Divn.II, CPWD,
Shastri Bhawan, Chennai-6.

6.The Administrative Officer,
O/oThe Chief Engineer, Valuation Cell,
Southern Region, IT Dept.,
III Floor, Prakash Presidium,
110, Mahathma Gandhi Road,
Nungambakkam, Chennai-34.

7.Mr.M.Mahendran,
Asst. Engineer, CPWD, Rtd., Block 6A,
Aiswarya Flats, TAK Street,
Ulagaram, Chennai 600 091.

...Respondents

By Advocate Mr.Su.Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“(a)To quash/set-aside the impugned order, issued vide Lr.No.CE/Audit/2018-19, dated 12.11.2018 by the 6th respondent herein and consequentially direct the respondents not to recover Rs.1,66,860/- (Rupees one lakh sixty six thousand eight hundred and sixty only) and thus render justice;

(b)To allow the OA with costs and

(c)To pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.”

2. It is submitted that the respondents have passed Annexure A-24 impugned order dated 12.11.2018 against the applicant for recovery of an amount of Rs.166860 towards shortage of stores stating that the total amount of recovery was Rs.185958 and the said amount represented the balance recovery which could be deducted from the salary of the month of November 2018 onwards. The grievance of the applicant is that the shortage of stores attributed to the applicant pertained to the year 2000 and the respondents had taken no action on the alleged shortage till the date of the impugned order. The applicant was never given an opportunity to explain the shortage. A Committee was constituted for verification of stock and even the Committee did not grant any opportunity to the applicant to represent his side, it is alleged.

3. Drawing attention to Annexure A-16 tabular statement containing the details of outstanding dues against various persons, it is further alleged that the applicant alone had been proceeded against for recovery of the amount of Rs.185958, whereas the shortage had been attributed jointly to the applicant as well as one M. Mahendran JE who has been impleaded as 7th respondent herein and no amount is sought to be recovered from the latter.

4. In the aforesaid circumstances, it is submitted that the applicant would be satisfied if his Annexure A-23 representation dated 23.11.2017 which has not been disposed of by the competent authority is directed to be considered and disposed of by a reasoned and speaking order within a time limit to be set by the Tribunal and the order to effect the recovery from the applicant be kept in abeyance, in the meantime.

5. Mr.Su.Srinivasan, SCGSC takes notice on behalf of the respondents and submits that the respondents would have no objection to pass a reasoned and speaking order on the representation of the applicant. However, if any recovery had already been made in terms of the impugned order in November 2018 itself, it would not be possible for the respondents to undo the same pending such order.

6. Learned counsel for the applicant submits that no recovery has been made in terms of the impugnd order so far.

7. Keeping in view the limited relief sought and without going into the substantive merits of the case, we deem it appropriate to direct the

competent authority to consider Anneuxre A-23 representation of the applicant dated 23.11.2017 in accordance with the relevant rules as also the facts of the case and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order, if not earlier. Recovery in pursuance of the impugned order shall be held in abeyance, in the meantime.

8. OA is disposed of with the above directions.

(P.MADHAVAN)
MEMBER(J)

21.12.2018

(R.RAMANUJAM)
MEMBER (A)

M.T.