

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION NO. 740 OF 2016**

**Date Of Decision:- 11<sup>th</sup> January, 2019.**

***CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).  
HON'BLE SHRI. R. N. SINGH, MEMBER (J).***

**Smt. Roseline Mitra**

Age 59 years,

Occ: Service as Upper Division Clerk,

Millitary Hospital, Aurangabad 431002.

R/o. Aurangabad, District Aurangabad.

***....Applicant***

**(Applicant by Advocate Shri. S.B. Patil)**

**Versus**

**1. The Union of India**

Through the Secretary (Defence)

Ministry of Defence, Room No.101, South Block,

New Delhi 110011.

**2. Integrated HQ of MoD (Army)**

Adjutant General's Branch,

Director General of Medical Services (Army)

“L” Block, New Delhi 110001.

**3. The Controller General of Defence Accounts,**

Delhi Cantonment 110010

Ulham Battar Road,

Palam Delhi Cantt 110010.

**4. Commanding Officer,**

Millitary Hospital, Aurangabad 431002.

**5. Principal Controller of Defence Accounts (Pr CDA)**

Southern Command No.1, Finance Road,

Pune 411001.

**6. Army Local Audit (ALAO) (Army),**

Aurangabad Cantonment 431002.

**7. Principal Controller of Defence Accounts (Pension)**  
Pr. CDA (P), Draupati Ghat Allahabad 211014.

**....Respondents**  
**(Respondents by Advocate Shri. R.R. Shetty)**

**ORDER (ORAL)**

**Per:- Shri. R. N. Singh, Member (J)**

1. Today, when the case was called for hearing, heard Shri. S.B. Patil and Shri. R.R. Shetty, learned counsel for respondents.

2. The applicant was issued a show cause notice on 10.08.2016 enclosing a pay dues and drawn statement indicating that she will have to refund excess payments drawn by her during her service over 30 years amounting to Rs.13,53,483/-. The applicant has filed her reply on 12.08.2016 for which no orders have been passed by the respondents. The only available advice is an audit note issued by a Senior Accounts Officer on 23.09.2016 indicating, without reasons, the recovery of this aforesaid amount.

3. In the circumstances, there is no order that could be adjudicated by this Tribunal. The respondents are directed to consider the reply of the applicant and to take into view the settled law on this subject and to pass a reasoned and speaking orders within six weeks from receipt of certified copy of this order. It is further made clear that the respondents shall not give any effect to the impugned order till two weeks after

communication of the order passed by the respondents, if such order is against the interest of the applicant.

4. In the aforesaid terms, the *OA is partly allowed* without any order as to costs.

*(R.N. Singh)*  
*Member (J)*

*(R. Vijaykumar)*  
*Member (A)*

*srp*