

**Central Administrative Tribunal
Principal Bench**

OA No.2036/2015

New Delhi, this the 1st day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

Sh. Puttoo Lal Rajput
Age : 59 years 11 months,
S/o. Late Sh. Ganga Sahai
AGM (RTI-Appeal), O/o. GM (HQ) MTNL,
KL Bhawan, New Delhi 110 050
R/o. House No. 157, Sec-21 D,
Faridabad, Haryana-121 001. ...Applicant

(By Advocate : Ms. Jasvinder Kaur)

Versus

Union of India through its

1. Secretary,
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road,
New Delhi.
2. Chairman-Cum-Managing Director
Mahanagar Telephone Nigam Limited
Door Sanchar Sadan, 9 CGO Complex,
Lodhi Road, New Delhi – 110 003.
3. Executive Director, MTNL (Delhi)
Mahanagar Telephone Nigam Limited
Khurshid Lal Bhawan, Janpath
New Delhi-110 050.
4. General Manager (Finance),
Mahanagar Telephone Nigam Limited
Khurshid Lal Bhawan, Janpath
New Delhi-110 050.
5. Deputy Manager(P&A-I) HQ
Mahanagar Telephone Nigam Limited

Eastern Court, Janpath
New Delhi-110050.

...Respondents

(By Advocates : Ms. Harvinder Oberoi, Shri Jasbir Bidhuri, Ms. Ritu Rama and Shri Shashwat Sharma)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant feels aggrieved by the steps initiated by the respondents for recovery of a sum of Rs.2,63,201/- through order dated 18.05.2015, including a recovery of a sum of Rs.17,850/- from his salary for the month of May 2015. Various grounds are urged in the OA.

2. On 28.05.2015, an interim order was passed staying recovery, by placing reliance upon the judgment of the Hon'ble Supreme Court in the ***State of Punjab and Ors. etc. v. Rafiq Masih (White Washer) etc.*** The OA underwent several stages and on 06.03.2019, it was adjourned *sine die*, by taking note of the fact that identical issue is involved in SLP No.14576/2018.

3. We heard learned counsel for the parties today.

4. In **Rafiq Masih's** case the Hon'ble Supreme Court directed that recovery of amounts shall not be effected from certain categories of employees, subject to certain conditions.

5. It is brought to our notice that an order which is similar to the one impugned in this OA, was challenged in OA No.2080/2016. It is stated that the said OA was allowed by this Tribunal on 17.08.2017 and Writ Petition No.1199/2018 - **Mahanagar Telephone Nigam Limited v. Satnam Singh and Anr.** filed by the respondents before the Hon'ble Delhi High Court against the Order in the OA, was dismissed on 09.02.2018.

6. Further, development is that in SLP No.14576/2018, filed by the respondents herein, the Hon'ble Supreme Court stayed operation of the judgment of the High Court in Writ Petition No.1199/2018. Thus, the entire scene has shifted to the Hon'ble Supreme Court in the context of the judgment in Satnam Singh's case.

7. We, therefore, dispose of the OA, leaving it open to the parties to take further steps depending upon the outcome of the SLP No.14576/2018.

8. Till the matter is finally disposed of by the Supreme Court, the recovery from the salary of the applicant on the basis of the impugned order shall not be effected.

9. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vb/