

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-135/2003

New Delhi this the 23rd day of January, 2003.

Hon'ble Dr. A. Vedavalli, Member(J)

Janki Prasad, Cook(Civilian),
S/o Sh. Ghansi Ram,
office of the Commanding Officer,
Army Base Hospital,
Delhi Cantt.

Resident of:
C/o Shri Pritam Singh,
House No.T-63, Khazan Basti,
Nagal Rai, Delhi Cantt. Applicant

(By Advocate: Shri D.N.Sharma)

Versus

1. Union of India through
the Secretary to the Govt. of India),
Ministry of Defence, South Block,
New Delhi.
2. The Quarter Master General,
Quarter Master General's Branch (Q.1 C Section),
Army Headquarters, D.H.Q. Post Office,
New Delhi.
3. The Officer Commanding,
Army Supply Corps Centre (North),
Paharpur, Gaya (Bihar).
4. The Officer Commanding,
Army Base Hospital,
Delhi Cantt. Respondents

ORDER (ORAL)

Heard Shri D.N.Sharma, learned counsel for the
applicant.

2. MA 123/2003 has been filed for condonation of
delay, in filing this OA. On a consideration of the
matter, delay is condoned.

3. The applicant Janki Prasad a civilian cook
under the respondents, is aggrieved by the alleged
recovery of Rs.13,281/- from his salary by the
respondents pursuant to the order dated 18.05.1995 at

AV

(2)

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Annexure A-2.

4. The applicant claims the following reliefs in the OA:-

"(a) that the benefits of similarly situated case already decided by this Hon'ble Tribunal in O.A.No.329/98 Banwari and 7 others Vs. U.O.I. and others: Decided on 17-5-2000 (ii) O.A.No.1668/1996 - Hukum Singh and 3 others Vs. U.O.I. and others : Decided on 18.2.2000 and (iii) O.A. 2353/58 -Ved Ram and 7 Ors. vs. U.O.I. and others: Decided on 11-12-1998 - may be fully extended to the applicant's case. (Ann.A.4, Annex.A-5 & Ann.A-6).

(b) that the amount of Rs.13, 281/- illegally recovered from the salary of the applicant without following any procedure as per the law, may kindly be ordered to be refunded to the applicant within time-bound period as may be deemed fit by this Hon'ble Tribunal.

(c) allow and any other or further relief which may be deemed fit and proper in the circumstances of the case in order to safeguard the interests of justice;

(d) allow costs of this Application."

5. When the matter came up for admission today, learned counsel for the applicant, Shri D.N.Sharma submitted that the applicant has made a representation dated 11.8.1986 (Annexure A-3) followed by several reminders and finally a legal notice dated 14th November, 2000 (Annexure A-7) and till now there is no response from the respondents as on date. He has also submitted that the aforesaid recovery has been made without any show-cause notice and without holding any enquiry against the applicant and that the recovery is manifestly illegal and unsustainable under the law.

6. Learned counsel for the applicant prays that the matter may be disposed of at the admission stage



itself with a direction to the respondents to dispose of the aforesaid representations and legal notice within a particular timeframe to be fixed to the Court with liberty to approach the Tribunal again, if any grievance survives further.

7. In the facts and circumstances of the case and on consideration of the matter, I am of the view that ends of justice will adequately be met by disposing of this application at the admission stage itself with the following directions to the respondents:-

The respondents are directed to examine the aforesaid representation and the legal notice treating the grounds taken in the present O.A. also as additional grounds, on their merits, in the light of the relevant rules, instructions and judicial pronouncements on the subject and dispose of the same by a detailed and speaking order in accordance with law under intimation to the applicant within three months from the date of receipt of a copy of this order.

8. In case any grievance survives further thereafter, the applicant is given liberty to approach the Tribunal in appropriate fresh original proceedings, if so advised, in accordance with law.

9. Registry is directed to send a copy of the respondents.

10. The O.A. is disposed of as above.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)