

(2020) 09 CAT CK 0120

In the Central Administrative Tribunal

Case No : Original Application No. 1127 Of 2020

Anand Kumar

APPELLANT

Vs

North Delhi Municipal Corporation & Others

RESPONDENT

Date of Decision : 28-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0120

Hon'ble Judges : L. Narasimha Reddy, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Ranjit Sharma, D.S. Mahendru

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as a Chowkidar under the North Delhi Municipal Corporation, the first respondent herein. Through an office order dated 20.07.2020, it was directed that a sum of Rs. 87,696/- be recovered from him in four installments on the ground that the said amount was overpaid. This OA is filed challenging the order dated 20.07.2020.

2. We heard Sh. Ranjit Sharma, learned counsel for the applicant and Sh. D.S. Mahendru, learned counsel for the respondents.

3. The OA was listed for admission on 25.08.2020. By referring to the contention of the applicant that the impugned order was passed without issuing any show cause notice, the Tribunal, in fact, passed interim orders also. However, there is no response from the respondents as to whether such a notice was issued.

4. The impugned order reads as under:

" Consequent advise of AO/Narela and under the approval of ADE, Narela Zone dated 17/07/2020 regarding the overpayment of Rs. 87696/- was paid to Sh. Anand Kumar Chowkidar MCP Bankner Girls in forms of TA &DA, directed to be

recovered from his salary four equal installment starting from July, 2020."

5. There is neither any reference to the show cause notice nor any reply submitted by the applicant. Before directing the recovery of such a huge amount from a small employee like the applicant, the respondents ought to have given a notice before recovery indicating the reasons why they propose to impose the punishment of recovery. The impugned order is violative of principles of natural justice.

6. On this short ground, we allow the OA and set aside the impugned order dated 20.07.2020. It is left open to the respondents to issue show cause notice, and pass orders. However, if any amount is already recovered from the applicant, the same need not be repaid till the fresh order is passed after issuing a show cause notice, but no further recovery shall be made.

There shall be no order as to costs.