(2013) 02 JH CK 0024

In the Jharkhand High Court

Case No : WP (S) No. 388 of 2007

Kundan Kumar Singh and Others — APPELLANT

Vs

Jharkhand State Mineral Development Corporation and Others — RESPONDENT

Date of Decision : 27-02-2013

Acts Referred:

Citation : (2013) 2 JLJR 379

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Jitendra S. Singh, for the Appellant; Saurav Arun, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—The impugned order dated 8.12.2006 has been passed by the respondent no. 3, General Manager, Finance, J.S.M.D.C., whereby the order of recovery in instalment has been made from the salary of the petitioners for adjustment of the advance taken by them which have not been refunded. These petitioners, who are 8 in number are employees of the Jharkhand State Mineral Development Corporation. Petitioner Nos. 1 to 6 are drivers, petitioner no. 7 is a clerk and petitioner no. 8 is a Public Relation Officer in the Corporation. According to the petitioners, the respondents have sought to recover the amount alleged against them, details of which are given in para 8 of the writ petition ranging from Rs. 11,357.00 to Rs. 2,53,378.18, which are said to have been taken in advance from time to time for different official purposes. The petitioners have alleged that the detail of the said account have also not been disclosed to the petitioners and that they have been asked to submit the vouchers, bills or log book for adjustment of such advance against their name by letter dated 25.8.2006 (Annexure-4). The petitioners have, therefore, assailed the order as being passed without following the principle of natural justice in a unilateral manner on the advance made for the period from much prior to 2006 without actually scrutiny of the account.

2. Respondents have appeared and filed their counter affidavit. Learned counsel for the respondent have submitted that when the case of large scale non-adjustment of advance were detected by the Managing Director of the Corporation in 2002, a committee was constituted with the aforesaid purpose on 23.8.2002. Thereafter, standing order was issued on 11.2.2006 which is annexed as Annexure-A to the counter affidavit where under concerned employees were directed to refund the amount or seek adjustment of the same by showing vouchers, bills or log book accounted for their expenditures. It is submitted that on 14.2.2006 notices were issued to the employees by posting it on the notice board informing them to seek adjustment of advances taken by them. It is further submitted that on 6.3.2006 a task force was also constituted to look into the aforesaid each individual cases for adjustment of advance from employees of the Corporation including the present petitioners. Subsequently, the Chief of Finance of the Corporation was directed to monitor the issue relating to the adjustment of such advances vide Annexure-D. Thereafter, letters were written to the individual petitioners informing them of the advances to be adjusted which are contained at Annexure-E dated 7.4.2006. Subsequently, again on 21.6.2006 a deadline was fixed to submit the adjustment vouchers by 30.6.2006 as per the Office order contained at Annexure-F. Even beyond that on 4.7.2006 by way of last chance further indulgence was granted to submit vouchers showing adjustment of the advance taken by concerned persons including the petitioners. Thereafter, the impugned order has been passed on 8.12.2006 wherein the adjustment has been sought to be recovered in easy instalments from the salary of the concerned persons including these petitioners. It is, therefore, submitted that contention of the petitioners that impugned order has been passed without any show cause is not tenable in law as well as facts. The details have been furnished in the counter affidavit as well specially in respect of petitioner no. 8 on whom total amount of Rs. 2,53,378.18 till 2006 was found to be due. It is further submitted that he had given undertaking on 15.9.2006 to submit the details of the advances taken by him for adjustment but it has not been submitted by him also. Accordingly, the impugned order has been passed.

3. No rejoinder to the said counter affidavit has been passed by the petitioner.

4. After having heard the counsel for the parties, the facts which are borne on record and also narrated hereinabove indicate that the petitioners are employees of the respondent-Corporation, 6 of them are drivers and other 2 are clerk and Public Relation Officer, who have taken advance in the name of petrol and other office expenses from time to time but have not submitted vouchers, log books showing the expenditures incurred on the same. These amounts are public money which are to be accounted for. On detection, the Managing Director of the Company has taken action by constituting a task force, entrusted the Chief Finance Officer to monitor such cases and also issue notice upon individual petitioner giving them opportunity to submit details of their expenses by producing vouchers, log books etc. for adjustment of such advance or refund the same. However, these petitioners have failed to show the details of their

expenses and, therefore, the impugned order has been passed for recovery of the said amount in easy instalments. In that view of the matter, I am not inclined to interfere with the impugned order in this writ petition which is accordingly, dismissed. The interim order dated 6.2.2007 stands vacated.