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Central Administrative Tribunal, Principal Bench

Original Application No. 3178 of 2002

New Delhi, this the 4th day of December, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Shri Prem Prakash Gautam,  
S/o late Shri Brij Bhushan Gautam,  
working as Head Clerk in the  
Office of Senior Divisional Electrical  
Engineer, EMU Car Shed,  
Northern Railway,  
Ghaziabad (U.P.).

....Applicant

(By Advocate: Shri K.B.S. Rajan with Shri R.K. Shukla)

Versus

Union of India, through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi
2. The Divisional Railway Manager,  
Delhi Division, State Entry Road,  
Paharganj,  
New Delhi.
3. The Senior Divisional Electrical  
Engineer, EMU Car Shed,  
Northern Railway, PO Chipyana,  
Ghaziabad (U.P.).

....Respondents

O R D E R (ORAL)

By Mr. S.A.T. Rizvi, Member(A)

Heard.

2. The applicant who was working as Head Clerk in the EMU, was placed incharge of store items. The official verifier conducted a verification of the store items and found shortages. Accordingly, to begin with, a shortage of nearly 1.5 lac rupees worth of items was determined for the purpose of making recovery from the applicant. Thereupon the applicant provided several pieces of information time and again and based on the same, the aforesaid amount of

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recovery has got down to Rs.62,936/- . Accordingly orders have been passed on 14.8.2002 (Annexure A-1) ordering recovery of the aforesaid amount of Rs.62,936/- from the applicant in 40 instalments.

3. The learned counsel appearing on behalf of the applicant has drawn our attention to a letter dated 9.11.2001 (Annexure A-9) which is a piece of internal correspondence in the respondents' set up. By this letter, the Senior DEE/EMU who has passed the aforesaid recovery orders has been asked to clarify certain matters in regard to shortage of store items. The plea put forward on behalf of the applicant is that the Sr.DEE has proceeded to pass the impugned orders of recovery without first furnishing the information he was called upon to furnish by the aforesaid letter of 9.11.2001. The contention raised is that if and when the aforesaid information is supplied by the Sr.DEE, the amount of recovery is most likely to get <sup>reduced</sup> substantially.

4. Aggrieved by the aforesaid action on the part of the respondents, the applicant has filed a representation dated 19.2.2002 (Annexure A-10) and thereafter in May and October, 2002 <sup>vide</sup> copies placed on record. There has been no response to these representations.

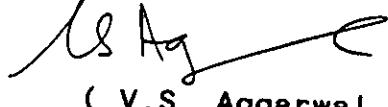
5. In the aforesated circumstances, we find it just and in order to dispose of the present O.A. at this very stage with a direction to the respondents to supply the information sought vide their own letter of 9.11.2001 and

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... to re-determine thereafter the actual amount of recovery to be made from the applicant. We direct accordingly.

6. Until orders as above have been passed by the respondents, they are further directed not to proceed with recovery in terms of the impugned order dated 14.8.2002. O.A. is disposed of in the aforesated terms.

  
( S.A.T. Rizvi )  
Member(A)

  
( V.S. Aggarwal )  
Chairman

/dkm/