

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00778/2016**

Date of Order: 25.11.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Kunwar Vijay Choudhary, Son of Late kali Choudhary, Ex Booking Supervisor, East Central Railway, Nawadah (Bihar), Resident of Untta, Jahanabad Station, District-Jahanabad (Bihar).

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Chief Commercial Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
4. The Divisional Railway Manager, East Central Railway, Danapur, District- Patna (Bihar).
5. The Senior Divisional Personnel Officer, East Central Railway, Danapur, District- Patna (Bihar).
6. The Senior Divisional Commercial Manager, East Central Railway, Danapur, District- Patna (Bihar).
7. The Senior Divisional Financial Manager, East Central Railway, Danapur, District- Patna (Bihar).

.... Respondents.

By Advocate: - Mr. Rajesh Mohan

**O R D E R**  
**[ORAL]**

**Per Dinesh Sharma, A.M:-** In the instant OA, the applicant has prayed for quashing the impugned order of withholding the entire amount of DCRG of Rs. 7,28,400/- as being contrary to the provisions of Rules 227 and 229 of Indian Railway Commercial Manual, Vol. I. He has also requested for

directing the respondents for refunding/releasing the entire amount of DCRG to the applicant with statutory interest. The case of the applicant is that the respondents have withheld the amount of DCRG on account of alleged missing railway tickets and such withholding without any proof of any loss on account of such missing tickets is against the provisions of the Rules 227 and 229 which clearly says that the missing tickets do not constitute loss of revenue unless it is established that such missing tickets have actually been sold. The applicant has alleged that the tickets were lost on account of these being eaten by white ants and it is evident from the joint inventory dated 29.06.2014 (Annexure A/4).

2. The respondents have denied the claim of the applicant. They have alleged that all his retirement dues have been paid except gratuity amount which has been held up due to commercial debt outstanding against the applicant. They have mentioned that a debit of Rs. 6,24,415/- on account of missing tickets and another amount of Rs. 24,580/- was due to non-handling of UTS roll exists against the staff. The respondents have also quoted Railway Board's letter No. F(P)59PN 1/34 dated 22.10.1959 according to which, " Government dues like dues pertaining to Government Railway Accommodation including arrears of licence fee, house building or any other type of advances, over payment of pay and allowances or leave salary and arrears of Income Tax deducted at source under the Income Tax Act 1961 (343 of 1961), losses caused by the railway servant including short collection of freight charges, shortage in stores etc. can be recovered from the gratuity payable to the railway servant even without his consent."

3. The applicant has filed a rejoinder in which he has again quoted the provisions laid down in Rule 227 and 229 of IRCM Vol. I. He has again referred to the No Dues Certificate issued to him on 20.11.2015 by his successor. He has also cited the decisions of this Tribunal in OA 984/2018 and OA 184/2018 where under similar circumstances this Tribunal has found the recovery against lost tickets wrong.

4. We have gone through the pleadings and heard the learned counsels of both the parties. We find that the facts of this case are exactly similar to the matters decided by this Tribunal in OA 984/2018 ( which was confirmed by Hon'ble High Court in CWJC 18464 of 2019) and OA 184/2018. In the present case also, we do not find any allegation about the lost tickets having been sold or about any inquiry or disciplinary action taken against the applicant holding him responsible for that loss. In such situation, recovery of the amount of lost tickets is patently wrong and is in violation of the Rules 227 and 229 of the IRCM. We, therefore, allow this OA. The respondents are directed to release the eligible DCRG amount without deducting any amount on account of the allegedly missing tickets for which no action as prescribed under Rule 229 has been taken. If the amount is not released within 60 days of receipt of this order, the respondents will also be liable to pay interest @ 8% from the date on which the retiral dues should have been paid till the actual date of payment. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**