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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.66/2001

Wednesday, this the 10th day of January, 2001.

Hon'ble Shri S.A.T. Rizvi, Member (A)

Zile Singh Khatak  
R/O H.No.246, 'A' Block,  
Gopal Nagar,  
Najafgarh.

..Applicant.

(By Advocate: Shri M.K.Bhardwaj)

VERSUS

Union of India through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Bikaner Division,  
Bikaner (Rajasthan).
3. The Sr. Personal Officer,  
Northern Railway,  
Bikaner Division,  
Bikaner (Rajasthan).

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. This OA has been filed as a result of the applicant being aggrieved by a deduction of RS.26,000/- from the amount of revised gratuity that became payable to him in consequence of the recommendations of the 5th Central Pay Commission. After hearing the learned counsel appearing for the applicant, I find that the applicant is not quite sure about the reason why the aforesaid deduction has been made. The applicant has filed two letters at Annexure A-1 and A-2 respectively which go to show that the applicant had, while in service, availed of House Building Advance. However, since the House Building Advance could not be utilized by the

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applicant, the amount drawn as advance was returned along with interest. The letter at Annexure A-2 nevertheless discloses that an amount of Rs.11,700/- was deducted from the amount that became due to the applicant presumably again on account of the aforesaid House Building Advance. The applicant has sought to clarify his position with respect to the House Building Advance in the aforesaid letters. The applicant has filed <sup>a</sup> third letter at pages 8-9 of OA which goes to show that the deduction in question was made presumably on account of certain excess telephone calls made by the applicant while still in service during the years 1994 to 1996. This again seems to be a conjecture as the applicant, as already stated, is not quite aware of the circumstances in which the deduction of Rs.26,000/- has been made.

3. In the circumstances of the OA and in agreement with the learned counsel, I find that the requirements of justice will be fully met if the OA is disposed of with a direction to the respondent No.2, Divisional Railway Manager, Northern Railway, Bikaner to sort out the matter on the basis of a fresh representation to be filed by the applicant within three weeks from today and the details contained in the OA, giving specific reasons for the deduction of Rs.26,000/- from the revised gratuity paid to the applicant. The respondents are directed accordingly. They are further directed to take a final decision in the matter and refund the aforesaid amount of Rs.26,000/- if not found due <sup>from the applicant</sup> as expeditiously as possible and in any event within a period of three months from the receipt of a representation from the applicant. It is

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clarified that the applicant will be free to approach this Tribunal <sup>if he is so advised</sup> in the event of the order passed by the respondents being adverse to him.

4. The OA is disposed of in the aforesaid terms at the admission stage itself.

5. Registry is directed to send a copy of the OA along with this order.

*S. K. Rizvi*

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

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