

Central Administrative Tribunal
Principal Bench

O.A.No.2482/98

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 15th day of September, 1999

Kirti Pal Singh
aged about 30 years
s/o Late Shri C.S.Chauhan
Retd. C T I C Rly. Jhs.
r/o C/o Vaid Shri Sunder Singh Solanki
3719, Tailmandi
Paharganj
New Delhi - 55. Applicant

(By Shri H.P.Chakravorti, Advocate)

Vs.

1. Union of India through
The Chairman
Railway Board
Ex-Officio Principal Secretary to
Govt. of India
Ministry of Railways,
Rail Bhawan
New Delhi.
2. The Divisional Railway Manager
Central Railway, Jhansi.
3. The State Bank of India
through Branch Manager
Railway Station, Jhansi, UP. ... Respondents

(By Mrs. B.Sunita Rao, Advocate)

O R D E R (Oral)

The applicant retired from the post of Chief Ticket Inspector on 31.5.1993. By letter dated 3.3.1998, the Senior Divisional Accounts Officer, Central Rly., Jhansi wrote to the Manager, State Bank of India, the Bank from where the applicant was drawing his pension, that a sum of Rs.13,475/- was outstanding against the applicant and this may be recovered from the pension's DA of the applicant under intimation to the Central Railways. It is aggrieved by this order and the recoveries made from his pension that the applicant has come before this Tribunal.

Or

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2. The respondents submit that the applicant, after his retirement, had deposited some Excess Fair Returns (EFRs) on 7.6.1993 and after checking it was found that he had not mentioned money receipt particulars as such it was calculated that a sum of Rs.13,475/- had not been accounted for by the applicant. Accordingly, as per the Railway Board's Circular No.F(E) 85 PNI/13 dated 29.1.1988, the learned counsel for the respondents submits, recoveries were ordered Government/Railway dues without pensioner's consent from the DA portion of the pension as the same is not covered by the Pensioners' Act.

3. ~~I~~^d heard. The learned counsel for the applicant has brought to my notice Para 728 of the Indian Railway Commercial Manual, Vol.I, (copy at Annexure A5 to the rejoinder) which reads as follows:

"728. Travelling Ticket Examiner's returns- Excess fare returns should be prepared by the Travelling Ticket Examiners immediately after the close of each month and submitted to the Traffic Accounts Office by the Chief Ticket Inspector concerned or his equivalent along with the 'Accounts' foils of the excess fare tickets. The 'Accounts' foils of original money receipts obtained from the stations should also accompany the excess fare return (see para 554)."

4. It would appear, prima facie, that the Excess Fair Returns and the refund of the fair released by the applicant would have been accounted for at the expiry of each month in accordance with the provisions in the above Para 728. Here the allegation of the respondents is that the returns were made after the date of superannuation of the applicant. Even so the respondents took 5 years to raise the claim and the impugned order, Annexure-A1 was issued without

or

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obtaining the explanation from the applicant. The Bank again went one step further and instead of making recoveries from the DA portion of the Pension deducted from the main pension itself which is not permissible.

5. In view of the above position, the OA is allowed. The respondents will refund the so called recoveries made from the applicant with 12 % simple interest thereon from the date of recovery to the date of refund. The respondents will however have the liberty to initiate action for the recoveries in accordance with law after giving a proper opportunity to the applicant and ~~after~~ passing a proper speaking order. No order as to costs.

Rkda
(R.K.AHOJA)
MEMBER(A)

/RAO/