

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA No. 1492/96

NEW DELHI THIS THE 27th DAY OF JANUARY, 1996

HON^{BLE} SHRI JUSTICE B.C.SAKSENA, ACTING CHAIRMAN

Shri Mohind Kaushal
S/o (Late) Sh. Lehmu Ram
R/o D-808 Bhajan Pura
Delhi-110053.

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Applicant

(BY ADVOCATE SHRI R.V.SINHA)

Vs.

1. Union of India
Ministry of Railways
Through: General Manager
Northern Railway
Headquarter at Baroda House
New Delhi-110 001.

2. Divisional Railway Manager
Northern Railway
Delhi Division Office
Chemsford Road
New Delhi.

3. Divisional Commercial Manager
Northern Railway
Delhi Division
Baroda House
New Delhi-110 001

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Respondents

(BY ADVOCATE SHRI R.L.DHAWAN)

ORDER

JUSTICE B.C.SAKSENA, ACTING CHAIRMAN:

When the OA was taken up I had heard the learned counsel for the applicant. The applicant through this OA challenges the error sheet dated 20.10.1993 which raised a debit of Rs.540 against the applicant and the same had been recovered. The applicant was working as a Chief Ticket Inspector, Delhi Lino. He superannuated on 28.2.1994. After his superannuation, the respondents

withheld Rs 5000/- out of the service benefits of the applicant to be paid and settled after ^{submission of} final no objection certificate from various departments/sections of the respondents. The applicant was handed over an error sheet raising debit of Rs.540/- in July 1994. The debit had been raised on account of the loss caused to the Railways inasmuch as the applicant alleged to have charged less freight from three passengers to the tune of the said amount.

2. The applicant after service of the debit claim upon him made a representation to the Divisional Commercial Manager (respondent No.3) wherein he challenged that there was no error as such and the charges were made as per rules. The applicant sought waiver of the amount and payment of the withheld sum of Rs.5000/- from his dues. The applicant's case is that on his representation the respondent No.3 instructed Deputy Chief Accounts Officer/TA under respondent No.1 to withdraw the impugned error sheet for Rs.540 against applicant vide his letter dated 6.12.1994. It is further stated that however, the Deputy Chief Accounts Officer/TA did not comply with the said decision of Respondent No.3 on the ground that no objection certificate has already been issued and no further action could be taken by him. A copy of this letter is annexed as Annexure A-3.

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3. The respondents have filed a detailed counter-affidavit in which they have indicated that the error sheet suffers from no illegality and it was in conformity with the rules. They have stated that there was no deliberate delay in payment of settlement dues to the applicant. The amount of Rs.5000/- was withheld on the applicant's own showing during the period from 1.3.1994 to 31.3.1995. The respondents have indicated that some time was taken to examine the issues raised by the applicant in his representation and, therefore, some delay was unavoidable and there was no deliberate delay and hence the claim for interest being paid on the assumption of delayed payment of final settlement dues does not arise. The learned counsel for the applicant submitted that the respondent No.3 in his letter dated 6.12.1994 (Annexure A-2) had examined the matter and ~~recommended~~ recommended the error sheet to be withdrawn. The learned counsel further submitted that the Accounts Officer was duty bound to consider the recommendation of respondent No.3.

4. The learned counsel for the respondents has invited my attention to the provisions of Rule 15 of the Railway Service (Pension) Rules, 1993 as also extracts of paras 2709 and 2714 of the Indian Railway Commercial Manual Volume II. Rule 15 of the rules that aforesaid clarifies/ railway or Government dues would include among others losses (including short collection in freight charges shortage in stores) caused to the Government or the railway as a result

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of negligence or fraud on the part of the railway servant while he was in service. The said rules also provides for recovery of the losses and adjustment accordingly. Para 2712 of the Indian Railway Commercial Manual Volume II provides that if a debit is objected to, detailed reasons of the objection must be clearly stated, quoting tariff authority in support thereof, on both the foils of the error sheet. The name of the staff responsible for the debit, his father's name, designation, staff No. and the station at which working must also be shown on the error sheet. A copy of the error sheet has been filed as Annexure A-1. It fulfils the requirement of the said Rules. Rule 2713 provides that one foil of each error sheet must be returned by the Station Master to the Divisional Commercial Superintendent within 30 days of its receipt at the station, the other foil being retained as station record. In the case of objected debits, the DCS will also scrutinize the grounds of objection and advise the Accounts Office to withdraw the debit and issue credit Advice. As noted hereinabove, the Deputy Commercial Superintendent appears to have scrutinised the grounds of objection and had advised the Accounts Officer to withdraw the debit and issue credit advice. But by the time the matter came up before the Accounts Officer No Objection Certificate had been issued for the reason that the debit raised against the applicant had already been deducted from his dues. Since a short

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amount of Rs. 540/- is only involved it is not necessary to go into any detailed discussion of the matter. On the whole I am satisfied that no case for interference is made out. The OA accordingly fails and is dismissed. There shall be no order as to costs.

B. C. Saksena

(B.C.SAKSENA)
ACTING CHAIRMAN

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