

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/597/2020

HYDERABAD, this the 30th day of September, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



A Mallesh, S/o. Sri Komariah,
Aged about 67 years,
Retired Khalasi Helper,
Group C Employee,
South Central Railway,
Hyderabad Division,
H.No. 7-54/2, Balasaraswathi Nagar,
Old Malkajgiri,
Hyderabad – 500 047, TS.

... Applicant

(By Advocate: Mr. S. Srinivasa Rao)

Vs.

1. Union of India rep. by its
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad – 500 025, TS.

2. The Sr. Divisional Personnel Officer,
South Central Railway,
Hyderabad Division,
Hyderabad Bhavan,
Secunderabad – 500 025, TS.

... Respondents

(By Advocate: Mr. N. Srinivasa Rao, SC for Rlys.)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The O.A. has been filed aggrieved by the action of the respondents in recovering a sum of Rs.25,883/- from the settlement dues of the applicant.
3. The brief facts of the case are that the applicant retired as Khalasi from the respondent's organization voluntarily on 31.12.2011. After his retirement, the respondents recovered an amount of Rs.25,883/- from his settlement dues. The applicant represented to the respondents on 4.4.2019 and followed it by another representation on 6.6.2019 stating that the recovery made from his settlement dues is incorrect and impermissible under law as well as the instructions of the Railway Board. The respondents have not taken any action on the representations and, therefore, the O.A.
4. The contentions of the applicant are that recovery made is against the order of the Railway Board bearing the No.72/2016 dated 22.6.2016 and the O.M of DOPT dated 02.3.2016. Besides, as per the judgement of the Hon'ble Supreme Court in **State of Punjab & Others vs Rafiq Masih & Others**, no recovery should be made from Group 'C' & Group 'D' employees under certain conditions.

Q✓

5. Heard Sri S. Srinivasa Rao, learned counsel for the applicant and Sri N. Srinivasa Rao, learned counsel for the respondents, and perused the pleadings on record.



6. The dispute is about the recovery made from the settlement dues of the applicant on his retirement. The applicant states that his case is covered by the judgement of the Hon'ble Supreme Court in Rafiq Masih's case, respondents instructions and DOPT memo cited in the OA. The applicant claims that since his case is fully covered by the instructions of the Railway Board and that of the judgement of the Hon'ble Supreme Court, the action of the respondents in recovering a sum of Rs.25,883/- is illegal. Therefore, he preferred representations on 4.4.2019 & 6.6.2019 which have not been disposed. In view of the above, the respondents are directed to dispose of the representations of the applicant within four weeks from the date of receipt of this order, based on the relevant rules and in accordance with law by issuing a reasoned and speaking order.

With the above direction, the O.A. is disposed of at the admission stage. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/pv/