

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/734/2020

HYDERABAD, this the 23rd day of November, 2020

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



T. Malakondaiah, Gr.C
S/o. Venkatasubbaiah,
Aged about 62 years, Retd. Sr. Technitian,
C&W Department, Sick Line,
SC Railway, Vijayawada Division,
R/o. D.No.19-14/1-7, Behind Old Masjidh,
Old Rajarajeswaripet,
Vijayawada - 1.

...Applicant

(By Advocate : Sri J.M. Naidu)

Vs.

1. Union of India rep. by its General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada Division, D.R.M. Compound, Vijayawada, Krishna District.
3. The Senior Divisional Personal Officer, South Central Railway, Vijayawada Division, D.R.M. Compound, Vijayawada, Krishna District.
4. The Divisional Finance Manager, South Central Railway, Vijayawada Division, D.R.M. Compound, Vijayawada, Krishna District.
5. Senior Divisional Mechanical Engineer, C&W Department, South Central Railway, DRM Compound, Vijayawada, Krishna District.

....Respondents

(By Advocate : Sri M. Venkateswarlu, SC for Rlys.)

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

2. The applicant is aggrieved by the action of the respondents in withholding an amount of Rs.2,69,680/- from his terminal benefits. Hence, the OA.



3. The brief facts of the case are that, the applicant retired from the respondents organization on 30/4/2019. The service certificate issued to him shows his last pay drawn as Rs.39,900/- instead of Rs.42,300/-. Applicant submits that, the 3rd respondent has prepared a list of employees who are going to retire on 30/4/2019. The 3rd respondent has ordered recovery of Rs.1,88,168/- from the settlement dues of the applicant vide proceeding dated 22/4/2019. Aggrieved over the recovery, OA has been filed.

4. The contentions of the applicant are that no notice was issued to the applicant before recovery of the said amount. The respondents have correctly fixed his pay before his retirement. The action of the 3rd respondents in revising his pay from Rs.42,300/- to Rs.39,900/- is against the principles of natural justice. The respondents have not considered the representation dated 28/8/2020 and also the legal notice dated 27/09/2020 of the applicant. Legally respondents cannot withhold an amount of Rs.2,69,680/- from the gratuity of the applicant.

5. Heard Sri J.M.Naidu, learned counsel for the applicants and Sri M.Venkateswarlu, learned counsel for the respondents and perused the pleadings on record.

6. The applicant is aggrieved that a sum of Rs.2,69,680/- was withheld from his gratuity. He states that the amount has been withheld without issuing any notice. Applicant claims that the respondents have initially fixed his pay as Rs.42,300/- correctly before his retirement. The 3rd respondent, contrary to the principles of natural justice, has fixed his pay as Rs.39,900/-. In order to get his grievance resolved, applicant made a representation on 28.8.2020 and also got a legal notice issued to the respondents on 27.09.2020. It is reported that they have not been disposed of till date.

7. In view of the above, respondents are directed to dispose of the representation of the applicant dated 28.8.2020 in accordance with rules and law by issuing a reasoned and speaking order, within a period of one month from the date of receipt of this order.

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

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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