OA-138/92

New Delhi this the 12th day of May, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. S.P. Singh,
S/o Sh. Shiv Bahadur Singh,
C/o Sh. B.S. Mainee,
Advocate,
240 Jagriti Enclave,
Delhi-92.   .... Applicant

(through Sh. B.S. Mainee, advocate)

versus

1. Union of India through
    the General Manager,
    Northern Railway,
    Baroda Housse,
    New Delhi.

2. The Divl. Railway Manager,
    Northern Railway,
    State Entry Road,
    New Delhi.   .... Respondents

(through Sh. H.K. Gangwani - Not present)

ORDER(ORAL)
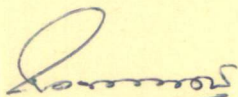delivered by Hon'ble Dr. Jose P. Verghese, V.C.(J)

        The applicant in this O.A. is challenging
the order dated 21.12.90 by which punishment order of
recovery of amount equivalent to loss of Rs.6872/- is
passed. The applicant made a representation against the
said order and stated that the loss was not occured at
his instance since he had handed the charge to the next
incoming officer, namely, Sh.   Vinod Krishnan in
accordance with the practice. Without reverting to any
averments made in the explanation, the respondents
proceeded to pass an order of recovery against the
applicant and the same is now being challenged on the
ground of non-application of mind and also for not

following the precedure under the rules. The applicant had filed an appeal and the same was also rejected on 27.8.91, again without a speaking order.

We have perused the entire record and the reply filed by the respondents and we are of the view that the punishment order as well as the appellate order have been passed without any application of mind and the explanation put forth in the circumstances by the learned counsel for the applicant has not been considered at all. In view of this finding, the respondents are liable to pay back the recovered amount now remains to be returned with 9% interest.

With the aforesaid directions, this O.A. is disposed of. No costs.

(S.P. Biswas)
Member(A)

(Dr. Jose P. Verghese)
Vice-Chairman(J)

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