

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of April, 2000

Original Application No. 1241/1998 1996

CORAM :-

Hon'ble Mr. S. Biswas, A.M.

Deena Nath Singh S/o Late R.D. Singh,
R/o Hata Nand Lal, Purana Nautanwa,
Post- Nautanwa Bazar, Distt-Mahrajganj (U.P.)
Retired Commercial Supervisor, Lucknow Division,
North Eastern Railway, Buhwal Jn.

(Sri SC Banerjee/Sri AP Srivastava, Advocate)

. Applicant

Versus

1. Union of India, through the
General Manager, North Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway, Lucknow Division,
Lucknow.
3. Senior Divisional Personnel Officer,
North Eastern Railway, Lucknow Division,
Lucknow.

(Sri Amit Sthalekar, Advocate)

. Respondents

ORDER

The applicant superannuated on 31-12-1994 from Railways. But a sum of Rs.10,000/- was withheld from commercial his gratuity for adjustment towards ~~taxes~~ dues. Finally, an amount of Rs. 5962/- paid to the applicant on 22-2-1995 and a sum of Rs.3874/- was adjusted from gratuity towards ¹⁰⁾ ~~as~~ being the debits vide respondents' letter dated 20-12-1995. The debit entries are dt.5-7-1985. The debits belonged to Sheoji Prasad but wrongly adjusted from the applicant's D.C.R.G. The applicant has sought refund of this amount with 18% interest.

2. Heard the counsel, for the parties.

S. Prasad

3. The issue for consideration is limited to whether the amount of Rs.3874/- was a debit of commercial dues on account of the period of the applicant or one Sheoji Prasad, who expired in 1985 creating a vacancy for the applicant to hold it as an addl. charge.

4. The counsel for the respondents has averred that the said debit of Rs.3874/ of the period of 1985 was raised by the Inspector of Accounts in the balance sheet of March, 1986 in the name of Sheoji Prasad. The fact of the case is that, Sheoji Prasad had actually fell sick and stopped coming to work since 1984 and he expired in 1985. During the incident of the commercial dues and consequent debit, the applicant was working in place of Sheoji Prasad, who retired from work due to illness and expired in 1985 well before the entries of the debit were made by the Inspector of Accounts. But the applicant holding the addl. charge wef 10-11-1984 managed to send Sheoji Prasad's name against the debit. The counsel for respondents further averred that the applicant was charge-sheeted under R-11, which fact was vehemently denied as true by the counsel for the applicant.

5. The charge sheet (11-11-1993) was shown in original by the respondents counsel. In the result, the applicant submission in Supp. Affidavit that no such charge sheet was issued or pending is perjurious.

6. The applicant has impugned the charge that the debit amount of Rs.3874/- arose during his time from 10-11-1984 to 1-7-1987 by citing SCC's memo dt.9-3-1985 (AR-1) is also misleading. This memo refers to an altogether different matter relating to CS N.T.V. Sheoji Prasad's correspondence dt. 10-10-1984, 10-X-1984 and 25-5-1984 whereas the present debits are (PNS/NTV/Eg/10/85 NQ

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dt.26-11-84 & 5-7-85).

7. Evidently, these ~~are~~ debits occurred during the period where the applicant held charge of Nataura Stalim. He cannot escape responsibility for the debits. That the name of Sheoji Prasad was placed there needs only applicant's explanation as he was holding ^{for charge} The respondents issued charge sheet under Rule 11 of Disciplinary Rules before his retirement.

In view of the foregoing, the U.A. has no merits. Hence dismissed. No costs.

S. Bani

Member (A)

Dube/