

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1281 of 1996

Allahabad this the 13th day of December, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

R.C. Lal, Son of Late Sri Makhan Lal, resident of 460 Kailashpur, Mughalsarai, Varanasi.

Applicant

By Advocate Shri A.K. Mishra

Versus

1. The Union of India through its Secretary, Ministry of Railways, New Delhi.
2. The General Manager, E.Rly.Head Office at Calcutta.
3. The Divisional Railway Manager, Eastern Railway, Mughalsarai, Varanasi.
4. The Divisional Commercial Manager, Eastern Railway, Mughalsarai, Varanasi.
5. Sri P.N. Pandey, Ex.CIT/MGS, Subhas Nagar, Mughalsarai, Varanasi, S/o Gauri Shankar Pandey.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

As per applicant's case, he retired on 31.12.1994 and thereafter he became entitled to get retiral benefits through full settlement but, a portion of settlement dues of the applicant has

S. K. Naqvipg.2/-

been withheld as penalty without communication of any order or reason for the same. The applicant made representations to get redressal from the departmental authorities but, of no avail and, therefore, he has come up under Section 19 of the Administrative Tribunals Act, 1985, seeking relief to the effect that the order through which portion of settlement dues has been withheld as penalty, be quashed and the respondents be directed to pay remaining settlement dues alongwith interest at the rate of 18%.

2. The respondents have contested the case and filed the counter-reply, refuting the allegations made by the applicant and specified in para-14 of the counter-affidavit that the applicant was informed verbally that he has been found guilty by the Inquiry Officer hence, a sum of Rs.7200/- have been deducted from his D.C.R.G.

3. Heard the learned counsel for the parties and perused the record.

4. Shri Amit Sthalekar made vehement efforts to convince me that a verbal communication of the order is sufficient communication but, I find ^{that} no reasonable prudent authority will accept this contention. Shri Sthalekar find him in a tight corner when he was required to show any authority, rule or guide line under which punishment order could be verbally communicated without

any service of ^{written} routine order specially when some inquiry is said to have been held and inquiry report submitted.

5. For the above, I do not find the order of deduction of Rs7200/- from D.C.R.G. ^{hence quashed} of the applicant can be sustained and, therefore, the respondents are directed to make good payment of this amount forthwith, and not beyond the period of 3 months which may give fresh cause of action to the applicant, with interest thereon at the rate of 12% from the date of Filing the O.A. The O.A. is decided accordingly. No order as to costs.

Sar Singh

Member (J)

/M.M./