

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF June, 1996

Original Application No. 476 of 1996

HON. MR. JUSTICE B.C. SAKSENA, V.C.

Amod Behari Khare, son of late  
Sri Bachani Lal Khare, resident of  
7, Krishna Nagar, Izat Nagar Bareilly.

..... Applicant

BY ADVOCATE SHRI P.K. KHARE

Versus

1. Union of India through Secretary  
Ministry of Railway, New Delhi.
2. Chief Workshop Manager  
N.E. Railway Workshop, Izatnagar  
Bareilly
3. Senior Divisional Accounts Officer  
( Workshop ) N.E. Rly, Izat Nagar  
Bareilly
4. Prabandh Shakha Prabandhak/Prabhari  
Extension Counter/Regional Manager,  
Punjab National Bank Workshop gate,  
Izatnagar, Bareilly.

..... Respondents

BY ADVOCATE SHRI PRASHANT MATHUR

O R D E R (Oral)

JUSTICE B.C. SAKSENA, V.C.

Since no Single Member Bench is available today  
on a mention being made by the learned counsel for the  
applicant the record of the OA was summoned. I have heard  
the learned counsels for the parties. An interim order  
staying the recovery of Rs.38,927 have been granted by an

*BCL*

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order passed on 26.4.96. After exchange of counter and rejoinder the O.A was directed to be listed today.

Shri Prashant Mathur, learned counsel for the respondents opposed the continuation of the interim order and pointed out that detailed facts and reasons have been indicated in the impugned order dated 25.3.96 contained as Annexure I. He further pointed out that the statements of facts indicated in the impugned order have not been met much less controverted through any averment in the O.A. He therefore submitted that in view of the said detailed reasons remaining uncontroverted there would be no justification to continue the interim order.

2. The learned counsel for the applicant faced with the situation, after obtaining instructions from the applicant, submitted that the O.A. itself may be disposed of and a date may be fixed for the applicant to appear before the Senior Divisional Accounts Officer (Workshop) N.E. Rly, <sup>so as</sup> Izatnagar, Bareilly ~~and~~ <sup>for</sup> ~~to~~ enable the applicant to get the P.F. Accounts verified. The suggestion appears to be reasonable. I, accordingly direct that the applicant shall appear before the Senior Divisional Accounts officer (Workshop) N.E. Rly, Izatnagar, Bareilly with a copy of this order on 12th of June, 1996. The Respondent no.3 is directed to show the ~~relevant~~ <sup>for</sup> relevant records to the applicant and also take into consideration whatever documentary evidence <sup>may be produced</sup> with regard to deductions made for depositing in the P.F. Account, ~~shall also be taken into~~ <sup>for</sup> ~~consideration~~. The respondent no.3 after verification of

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the relevant facts may pass a fresh order if necessary indicating the excess payment which may said to have been made to the applicant. The O.A. ~~shd~~ stands disposed of finally with the above directions. It is also provided <sup>that</sup> till ~~till~~ the above exercise of verification of records is not completed and a fresh order is not passed no recovery purgant to the impugned order shall be made. Copy of the order may be given to the learned counsel for the parties today.

B.C. Saksena  
VICE CHAIRMAN

Dated: 6th June, 1996

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Judgement's copies  
Issued on 6/6/96. To J.A.Sec;

U.W  
6/6/96.