

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No.390 of 2004.

Allahabad this the 23rd day of December 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.

1. R.K. Yadav
S/o Sadhu Prasad Yadav
aged about 42 years,
R/o Plot No.96 Ganga Nagar,
Near P.A.C. Battalion, Shyam Nagar,
District Kanpur Nagar.
2. Manoj Kumar Gupta
s/o Anand Swaroop Gupta
aged 40 years
R/o 128/311, Y-Block Kidwai Nagar
Kanpur.
3. Anil Kumar Srivastava
s/o Prem Bahadur Srivastava,
aged 42 years r/o K-29,
Yashoda Nagar, Kanpur City.
4. Raj Kumar
s/o Jamuna Prasad
aged 41 years,
r/o 120/852, Nalayan Purwa,
Faz-al Gang, Kanpur City
5. Shyam Babu s/o Prabhathi Singh
aged 53 years r/o 97-A, Anand Nagar,
Lal Bangla, Kanpur City.
6. Nafees Ahmad s/o Riaz Ahmad
aged 39 years, r/o 972-A,
Traction Railway, Colony, T.P.
Nagar City.
7. Rashid Ahmad
s/o Late Mohd. Haneef
aged 33 years
r/o 83/146, Param Purwa, Juhi
Nagar, Kanpur City.

.....Applicants.

(By Advocate : Sri O.P. Gupta)

Versus.

1. Union of India
through G.M. North Central Railway,
Allahabad.
 2. Chief Commercial Manager/Refunds Head
Quarter Office, 2nd Floor, Stn. Building
New Delhi.
 3. Chief Traffic Manager, N.C.R. Kanpur.
 4. Dy. Chief Traffic Manager, N.C.R. Kanpur.
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5. Chief Booking Supervisor,
North Central Railway,
Kanpur.

.....Respondents.

(By Advocate : Sri A.K. Gaur)

O R D E R

Heard counsel for the parties, perused the original application and order impugned herein.

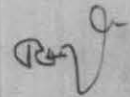
2. By means of impugned order dated 16.03.2004 Railway dues Rs. 3,53,588/- towards refund of train No. 4518 dn and 3008 dn is set up recovered from the Railway staff including the applicants herein. The memo regarding clearance of Railway dues Rs.3,53,588/- towards refund of train No.4518dn and 3008dn has been issued pursuant to the following order passed by Deputy Chief Traffic Manager, North Central Railway Kanpur "I have study the facts of the matter, Applicants application, Hon'ble C.A.T. decision in this matter, I am of the view that debit raised by T.T.A is justified. Hence its recovery be processed as per extent rules, if recovery". In the earlier litigation, the Competent Authority had directed to pass the reasoned order but the order extracted hereinabove is the telegraphic order passed without disclosing the reasons in support of the debit raised by the T.T.A. ~~It is~~ the applicants have preferred representation/appeal dated 22.3.2004 (Annexure A-7), I am of the view that Chief Traffic Manager, N.C.R. Kanpur should be called upon to consider and decide the representation and pass the reasoned and speaking order. It shall ^{be} open to the applicants to produce the order dated 30.04.1998 passed by Chief Commercial Manager/Refunds, New Delhi in support of their representation, If any such order

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is produced to the notice of the Chief Traffic Manager, North Central Railway, Kanpur, the same shall be considered while deciding the representation preferred by the applicants.

3. Accordingly, the O.A. succeeds and is allowed in part. The impugned memo dated 16.03.2004 and order of Chief Traffic Manager, N.C. Railway, Kanpur quoted herein are quashed. The Deputy Chief Traffic Manager, North Central Railway, Kanpur Shall pass a fresh order in accordance with law and in the light of observation made in the judgment.

No costs.



Vice-Chairman.

Manish/-