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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHBAD BENCH
ALLAHABAD

Dated: this the 13th day of OCTOBER 2008

Original Application No.1283 of 2005

Hon'ble Mr. A.K. Gaur, Member (J)

B.P. Gupta, S/o late Maya Ram Gupta, retired Chief Controller, N.C. Rly., Tundla, R/o Hari Nagar, near Prasad Cinema Tundla, Distt: Firozabad.

...Applicants

By Adv : Shri Sudama Ram

Versus

1. Union of India, through General Manager, North Central Railway, Headquarters Office, Allahabad.
2. Divisional Railway Manager, North Central Railway, Headquarter's Office, Allahabad.
3. Senior Divisional Finance Manager, North Central Railway, Headquarter's Office, Allahabad.

...Respondents.

By Adv : Sri A.K. Sinha

ORDER

Heard Shri Sudama Ram, learned counsel for the applicant and Shri A.K. Sinha, learned counsel for the respondents.

2. It is seen from the record that the applicant was appointed as Guard on Northern Railway. While working as Deputy Chief Controller he applied for a loan of Rs. 1 lakh. The respondents started recovery from his regular salary @ Rs. 1,000/- per month. According to the applicant in March 2000 the entire installment of
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House Rent Allowance was recovered and in the pay slip of April 2000 the amount was shown nil. To the utter surprise of the applicant the respondents have issued order of recovery of Rs. 83,136/- from the applicant, which is neither liable to be recovered nor permissible under rule. No show cause notice or opportunity of hearing was granted to the applicant before recovering the said amount.

3. It has been contended by the learned counsel for the respondents that the amount of interest has been recovered in accordance with the provision of rule and there is on loan no illegality in the same. The applicant has already preferred representations dated 11.08.2005 and 28.09.2008, but no satisfactory explanation or reply has been given by the respondents. Learned counsel for the respondents would further contend that the competent authority has already disposed of the representation of the applicant and no other representation of the applicant was received by the respondents.

4. Having heard parties counsel I am of the considered view that the order passed (Annexure A-1) is wholly non-speaking and arbitrary.

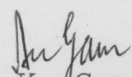
5. Learned counsel for the applicant submitted an innocuous prayer that the pending representations of the applicant (Annexure A-6) may be directed to

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dispose of by a reasoned and speaking order within a specified period of time. Learned counsel for the respondents has no objection to the prayer of the applicant.

6. I accordingly direct the competent authority to consider and decide the pending representation (Annexure A-6) of the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. While deciding the representation the competent authority may also treat this OA as a part of the representation.

7. In view of the above the OA is disposed of. No cost.


(A.K. Gaur)
Member J

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