

Item No.6



## **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No. 1439/2020

This the 03<sup>rd</sup> day of August, 2021

(Through Video Conferencing)

**Hon'ble Mrs. Manjula Das, Chairman  
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Butai Sharma aged 61 years, (Fitter-IIIrd)  
S/o late Shri Doodhnath Sharma  
R/o 143-A, Prem Nagar Nangloi  
New Delhi-110043.

..Applicant

(through Sh. Anil Gupta , Advocate)

### **Versus**

1. The General Manager  
Northern Railway Headquarters  
Office Baroda House  
New Delhi-110001.
2. The Chief Personnel Officer  
Northern Railway (Const.)  
Construction Headquarter  
Kashmiri Gate, Delhi.
3. Dy. CSTE/P/SW/TELE  
Through (Dy. Chief Signal & Telecom Engineer)  
DRM Office, Northern Railway, State Entity Road  
New Delhi 110001.

..Respondents

(through Ms. Neetu Mishra, Advocate for Mr. Satpal Singh, Advocate)

**ORDER (ORAL)**

**Hon'ble Mrs. Manjula Das :**

The applicant retired from service of the Northern Railway on 31.03.2019. According to him, at the time of retirement, the respondents deducted a sum of Rs.9,32,275/- from his retirement benefits, without issuing any notice to him. Vide said order, he was also directed to deposit a sum of Rs.2,84,300/-. Aggrieved by this order, the applicant has filed the present O.A., claiming the following reliefs:-

- “i. Refund a sum of Rs.9,32,275 of alleged “recoverable debt” with interest @24% p.a. from the date of wrong deduction till refund of the payment.
- ii. Re-fix last pay drawn of Butai Sharma, grant him notional promotion and its all benefits.
- iii. Re-fix his pension according to notional promotion;
- iv. Grant him Compensation and damages; and
- v. Cost of the litigation & legal fees.”

2. The applicant submitted that against the said impugned order, he has already preferred a representation/legal notice on 11.01.2020, which is still pending with the respondents.

3. On the other hand, learned counsel for respondents submitted that the prescribed procedure was duly followed by the respondents before deducting a sum of Rs. 9,32,275/- from the retirement benefits of the applicant and prayed for dismissal of the O.A.

4. Heard Mr. A K Gupta, learned counsel for applicant and Ms. Neetu Mishra, learned proxy counsel for Mr. Satpal Singh, learned counsel for respondents.

5. The grievance of the applicant is that without any notice, the respondents have deducted the huge amount of Rs.9,32,275/- from his retirement benefits. It is seen that the legal notice/representation preferred by the applicant has still not been responded to by the respondents. We are of the view that ends of justice would be duly met by directing the competent authority to decide the representation / legal notice of the applicant within a time frame.

6. We, therefore, dispose of the O.A., directing the respondents to dispose of the pending representation / legal notice dated 11.01.2020 submitted by the applicant, within a period of three months from the date of receipt of

a copy of this order, under intimation to the applicant.

There shall be no order as to costs.

**( A.K. Bishnoi )**  
**Member (A)**

**( Manjula Das )**  
**Chairman**

**August 3, 2021**  
/sunil/rk/ns/