

**LIBRARY**

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CALCUTTA BENCH**

O.A. No. 350/00 191 /2017

In the matter of :-

An application Under Section 19 of the  
A.T. Act, 1985;

- And -

In the matter of:-

Sri Arnab Bose, Son of Sri Aloke Bose,  
had worked in the post of Clerk (P) in  
the Office of the Divisional Railway  
Manager, West Central Railway, Bhopal  
and residing at 2/8/19, Manicktala Main  
Road, Kolkata - 700054 (W.B.)

...Applicant

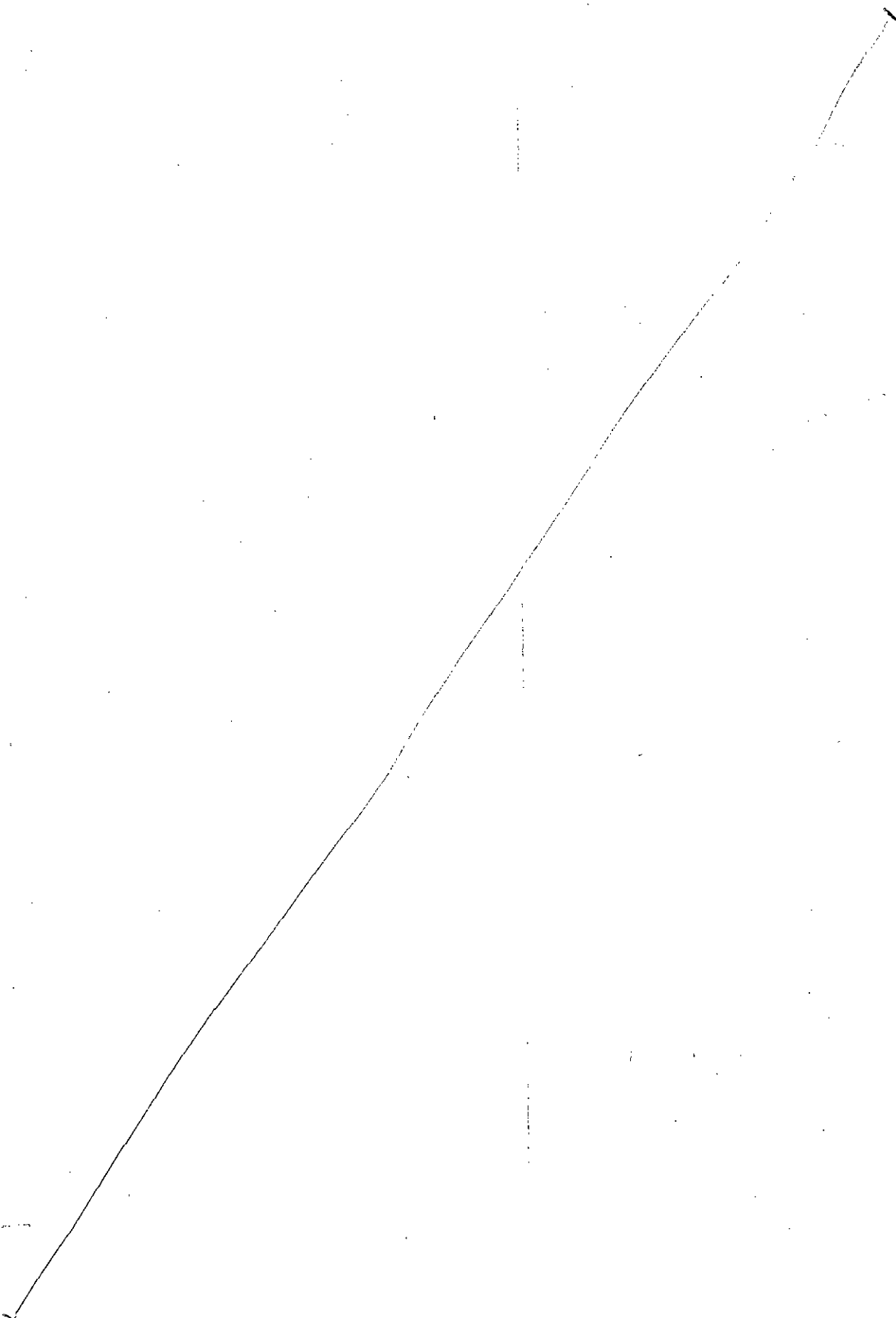
- Versus -

1. Union of India, Service through the  
General Manager, West Central  
Railway, Bhopal - 462024.
2. The Divisional Railway Manager,  
West Central Railway, Bhopal -  
462024.

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3. The Asstt. Personnel Officer  
(Welfare), West Central Railway,  
Bhopal - 462024.

...Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No.O.A.350/191/2017

Date of order : 18.3.2021

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

**ARNAB BOSE  
VS.  
UNION OF INDIA & OTHERS  
(W.C. Railway)**

For the applicant : Ms. A. Sarkar, counsel

For the Respondents : Mr. H. Ghosh, counsel



**ORDER**

**Bidisha Banerjee, Judicial Member**

This application has been preferred to seek the following reliefs:-

- "i) to issue direction upon the respondents and their men and agents to cancel, quash and set aside the impugned order dated 19.09.2016 forthwith;*
- ii) to issue further direction upon the respondents and their men and agents to recalculate the amount as if any violation has been made and such amount may be paid by the applicant on instalment basis;*
- iii) to issue any other order(s) or direction(s) as the Hon'ble Tribunal deem fit and proper;*
- iv) Any other order or orders as the Hon'ble Tribunal deem fit and proper."*

2. Ld. counsels were heard.

3. The admitted facts that transpired from hearing are as under:-

The applicant was recruited as Junior Clerk(Class III post) against

Sports Quota on 31.05.2011 under the Divisional Railway

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Manager(Personnel), West Central Railway, Bhopal. Before his appointment as such, he had to execute a Service Bond with the Railway Administration for a minimum period of 3 years. Since the applicant had resigned from Railway Services before completion of 3 years of service he was directed to deposit a sum of Rs.2,85,874/- towards salary already paid to him along with additional one month's salary for acceptance of his resignation from railway services.

4. The applicant has alleged that although Service Bond was executed by him, no amount was mentioned therein, therefore, the authorities have acted arbitrarily in asking him to deposit a sum of Rs.2,85,874/- .



5. The respondents have alleged that the said amount was raised in terms of Service Bond executed by the applicant but he failed to deposit the amount, and , therefore, his resignation was not accepted and he was absconding from duty. They have alleged that the grounds urged in the original application are not supported by any rule or law.

6. We heard the Id. counsels for the parties and perused the records.

7. We failed to decipher any amount mentioned in the Service Bond that was executed by the applicant. The relevant portion of the Service Bond as produced by the respondent authorities, is extracted hereunder for clarity:-

*"(5) That, in case if infringement/violation of any of the above conditions by the employee, he shall pay to the Government an amount of*

*Rs.....and that his services shall be terminated on one month's notice."*

8. It is evident from the Service Bond that it was executed for 3 years commencing from 03.04.2011. But in absence of any stipulation in the Service Bond to the effect that upon tendering resignation prior to completion of 3 years, the applicant would be liable to pay a sum equivalent to the salary he has drawn etc. or a sum of Rs.2,85,874/- to the respondents, the respondents failed to justify their claim of Rs.2,85,874/- from the applicant. No other supporting document could be placed by the respondents to strengthen their claim.

9. In view of such, the impugned order dated 19.09.2016 is quashed with liberty to the respondents to act in accordance with law. No cost.



**(Dr. Nandita Chatterjee)**  
**Administrative Member**  
 sb

**(Bidisha Banerjee)**  
**Judicial Member**