

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00069/2021

Date of decision: 17.05.2021

CORAM

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Prem Singh S/o Shri Girdhari Ram, Aged 57 years, By caste Gehlot, R/o Jaswantpura Dem, Mandore, Jodhpur-342007 (Rajasthan). (Presently serving under Respondent No.3 as Sr. Technician).

.....Applicant

By Advocate: Mr. M.S. Godara, present through VC.

Versus

1. Union of India, through General Manager, North-Western Railway, Jawahar Circle, Jaipur-302017 (Rajasthan).
2. Divisional Railway Manager, North-Western Railway, Jodhpur Division, Jodhpur-342001 (Rajasthan).
3. Senior Divisional Personnel Officer, C/o Divisional Railway Manager Office, NWR Jodhpur Division, Jodhpur-342001 (Rajasthan).
4. Assistant Personnel Officer, C/o Divisional Railway Manager Office, NWR Jodhpur Division, Jodhpur-342001 (Rajasthan).

.....Respondents

By Advocate: Mr. Darshan Jain, proxy for Mr. Vinay Jain, present through VC.

ORDER (ORAL)**Per Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Heard learned counsels for both sides.

2. The learned counsel for the applicant from the very first day was pressing for interim protection stating that no recovery shall be made from the salary of the applicant by the respondents as the recovery is not maintainable. In this regard, learned counsel for the applicant during course of argument drew our attention to Annexure-A/1 and states that the said impugned order is completely wrong and dehors the rules provided by the Railways.
3. Per contra, learned counsel for the respondents after receiving the notice in the present case has filed their reply and states that the respondents have acted only as per the Gazette notification in force and further the action taken by the respondents in recovering the amount from the applicant is completely as per the rules provided by the Railways.
4. On query to learned counsel for the applicant that the impugned order annexed by him in the present OA speaks about a letter dated 11.11.2020, but his letter/representation attached in his OA at page No.45 is dated 07.07.2020 hence how he can impugn this letter dated 19.12.2020 which is a reply in reference

to letter dated 11.11.2020, written by another employee, to which the learned counsel for the applicant states that the said letter/reply was circulated to all the concerned employees of the Railways and hence he has made this letter as impugned order in the present OA. At this stage, learned counsel for the applicant very fairly states that the applicant may be permitted to file a fresh representation in individual capacity stating therein all his grievances. He has also relied upon the judgment of Hon'ble Apex Court passed in Raffiq Masih's case and states that the applicant is a Group 'C' employee (which has not been disputed by the learned counsel for the respondent) and therefore, he prayed that till the decision on the fresh representation of the applicant, the respondents may be restrained from recover any further amount from the salary of the applicant as the case of the applicant is squarely comes within the purview of Raffiq Masih's case.

5. Though we have heard the matter at length, but taking into consideration the limited prayer of the applicant at this stage, and also the fact that the applicant is going to retire on August 2021, we are inclined to dispose off the present Original Application with certain directions. Accordingly, we direct the applicant to file a fresh representation in individual capacity before the competent authority detailing all his grievances within one week from the date

of receipt of a certified copy of this order and the competent authority is also directed to pass a detailed reasoned and speaking order after receiving such a representation from the applicant within one month. Till decision on the said representation of the applicant, the competent authority is also directed not to recover any further amount from the salary of the applicant.

6. With the above directions, OA is disposed off. It is made clear that we have not commented anything on the merits of the case while disposing of the OA.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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