

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration T.A. No. 447 of 1986
(O.S. No. 126 of 1985)

Mahadeo Prasad and others Plaintiffs-
Applicants.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.

This is a transferred case under Sec.29 of the Administrative Tribunals Act, 1985. The applicants, 26 in numbers, filed a suit in the court of Civil Judge Agra challenging the order dated 22.6.1982 passed by the AME-I (respondent no. 3) holding guilty of consuming of more coal than was admissible to them. It appears that coming to know this fact, notices were issued to all the applicant's who were working as Drivers and some of them ~~were~~ submitted their reply while others ^{did} ~~were~~ not, but without delay in the matter, the punishment order was passed and all these persons were held liable to the particular amounts which was drawn ~~in excess~~ by them. The applicants filed a departmental appeal against the same denying their liability and also made a complaint that they were not given any opportunity to defend themselves and as a matter of fact, no excess coal was consumed and whatever was consumed was within the limit.

2. The respondents (Railway Administration) has only filed a preliminary objection and did not file detailed counter affidavit even though, the direction for filing the same was issued. Shri Prashant Mathur, learned counsel for the Railway Administration has produced the ~~original~~ records

before us which indicates that objections were filed by some persons but not by all and after considering the objections, an ex-parte order has been passed. All these as the matters which should have been considered by the appellate authority who could have entered into the question of facts and find out as to whether these persons are liable or not. The learned counsel for the applicant has also contended that ofcourse, the pension is being deducted. It is difficult to accept that the deduction from pension is made without taking proper proceedings, and within a particular time, no deduction from pension can be made and if that is being done, obviously, the Railway Administration will be obliged to return the said amount to the applicant along with interest. As the matter is still waiting the decision of the appeal, then it is more expedient that the appellate authority is directed to decide the appeal filed by the applicant within a period of 2 months from the date of the communication of this order taking into consideration the pleas raised by the applicant. The appellate authority shall pass a speaking order taking into consideration the liabilities of the applicant or the person who issued the coal for consumption to them. It is open for the applicant to file copy of the representation/appeal which they file earlier before the appellate authority within a period of 2 weeks not beyond the directions issued by the Railway Board from time to time. The application is disposed of with the above directions. Parties to bear their own costs.

R. Bhargav
Member (A)
Dated: 6.7.1992
(n.u.)

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Vice-Chairman