

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

T.A. No. 1770 of 1987
(W.P. No. 1029 of 1985)

Chetan Prakash and others Petitioners/
Applicants.

Versus

Union of India and others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant No. 1 is posted as Coaching Superintendent at Izat Nagar Railway Station, applicant No. 2 is posted as Coaching Clerk, Pooranpur Railway Station, applicant no.3 is posted as Senior booking clerk at Lal Kuwan Railway Station and applicant no. 4 is posted as Booking ^{clerk} Budaun Railway St-ation. They have approached ~~to~~ this Tribunal against the recovery which were going to be made from their salary in view of the loss which is said to have been caused to the Railway Administration because of the Booking ^{of lower} ~~of lower~~ charges by them in respect of the ^{Wagons} ~~Passes~~. It appears that the Railway Administration issued a rate circular dt. 16.5.1981 from the head office of N.E. Railway, Gorakhpur and the revised rates were ^{to} come ~~into~~ effect from 1.6.1981. The applicants continued to charge for about 6 months at the old rate when an error slip was sent to them. The applicant no. 1 did not give any reply to the error slip while the applicant nos. 2 & 3 ^{who had} were given the reply of the error slips specifically pointing it out that such a rate was never made known to ^{to} at their Railway Station. Without taking any further proceedings or making any enquiry whatsoever whether this new rate was ^{brought} come to the notice of the applicant

or in fact received by the Railway Station on circulation by the person concerned or as to the person who was responsible for circulation, order for recovery from his ~~law~~ salary was made.

2. So far the recovery from the applicant Nos. 1, E 34 is concerned, it has been stayed by the Tribunal but it appears that ~~from~~ the applicant no. 2 who retired from service realisation to the tune of 11,000 and all has been made from his gratuity without taking any further proceeding. The applicant no. 1 also retired during the pendency of this application and it is stated at the bar that his gratuity has been withheld.

4. In the counter affidavit it has been stated that a show cause notice was thus, given in this manner and further they have filed certain slips indicating that as a matter of fact, slips were issued to the relevant Railway Station Master. Without making any enquiry as to whether the station master ~~at~~ whom slips were sent, has received the same and circulated it amongst the persons, abruptly and in absence at the end of the Railway Administration. It is highly objectionable by any procedure in violation of the principles of the natural justice. Without making any enquiry into the matter and given full opportunity to the applicant, and finally come to the conclusion ~~who~~ is the person responsible, no recovery could have been made and accordingly the application deserves to be allowed ^{and to} order for recovery of the amount is quashed. However, in fact, if ~~any~~ the recovery has been made, ~~the~~ the recovery has been made from the gratuity of the applicant no. 2 and the respondents are directed to reexamine within a period of one month they will ~~plead~~ ^{file} the said account, and in case the said applicant succeeded, the said amount shall be refunded to him within a period

of 1 month along with interest at the rate of 12%. It is for the respondents to take proceedings in accordance with law giving an opportunity of hearing to the applicants taking into consideration the observations made in this judgment. The application is disposed of with the above terms without any order as to costs.

J. M. Singh
Member (A)

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Vice-Chairman

Dt: 25.11.1991
(n.u.)