

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

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D.A. No: 162

of 1990

T.A. No:

of 199

DATE OF DECISION: 30.4.93

Surendra Sinha

PETITIONER.

ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India

RESPONDENTS

ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. MAHARAJDIN MEMBER-J

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?

No

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SIGNATURE

JAYANTI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No.162 of 1990

Surendra Sinha .. Applicant

versus

Union of India and others .. Respondents.

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HON'BLE MR MAHARAJDIN MEMBER-J

The applicant has come up before this Tribunal with the prayer to quash the impugned order of recovery of Rs.6,697=00 as admitted debit against him and order effecting recovery of Rs 500/- per month from December 1989. It has been further prayed that the respondents be directed to refund the recovery, if any, made in this regard from the salary of the applicant.

The relevant facts giving rise to this application are that the applicant had been serving as a Guard, 'B' Grade in operating department of Central Railway in Jhansi Division and was posted at Jhansi till 30 05 86. On 30 05 86 while he was performing the duty, the applicant met an accident at Jajau Railway Station, as a result of which his right leg was imputated. He was declared fit for duty on 08 05 87 after

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about one year and being disabled he was posted as Enquiry-cum-Reservation clerk on 17 09 87 at Jhansi Railway Station. The applicant was busy in dealing on the counter on 08 11 87. On that day somebody stolen away a bundle of notes worth Rs.6,697/- from his drawer. The applicant informed about the same to the Incharge, Reservation Supervisor and also lodged report with the Government Railway Police, Jhansi Rly Station. Before he went off the duty, police and departmental investigation started. The applicant was taken to the police station. He was served with the impugned order dated 19 02 88 wherein the said amount was shown as an admitted debit against him and he was asked to pay the same, hence he has filed this application praying for the relief as mentioned above.

Respondents filed Counter Reply and resisted the claim of the applicant alleging that the Joint Enquiry Committee reported that it was a case of carelessness so the applicant is liable to make good of the loss suffered by the Railway Administration.

Dinesh

I have heard the learned counsel for the parties and perused the record.

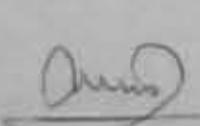
It has been contended on behalf of the applicant that he never admitted any debit whatsoever against him nor agreed to pay the loss. It is said that the Joint Officers Enquiry was conducted on 30 01 89, but no report has been received so far.

The order for recovery of the amount has been passed without serving the copy of the enquiry report.

The applicant has stated that the recovery from his salary has been ordered against the Rules of Railway Administration as laid down in Rule 2710 of the Indian Railway Coaching Manual which reads as under :

" If the admitted debit is against the person still working at the Station his name, father's name, designation, staff No. etc should be noted on both the foils of Error-sheet and his signature obtained thereon in token of acceptance of the debit. The employee should also give in writing whether he proposes to clear the debit cash payment or agrees to a deduction through his salary bill."

So the respondents have acted in an arbitrary manner with giving the responsibility as provided under the Rules.

 The respondents have not followed the

procedure laid down in Indian Railways General Code Volume I Rule No.1808 regarding the recovery of losses.

The applicant submitted a representation (Annexure-III) stating therein that no proper opportunity was provided to him to defend his case and no final decision of the investigation was communicated to him. He has also not admitted the loss of Rs. 6,697=00. According to him it was a case of theft beyond his control. The representation submitted by the applicant was not replied and it is still pending for decision.

Thus in view of the matter the application is partly allowed to the extent that the respondents are directed to decide the representation(Annexure III) dated 02 03 88 within a period of three months from the date of communication of this order. The applicant shall, however, be at liberty to file a fresh application being aggrieved by the order passed on representation. There will be no order as to cost.

[Signature]

Dated: Allahabad
April 30th, 1993.

MEMBER-3

(VKS)