

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 18th day of January, 2001

Original Application No.319 of 1999

CORAM :-

Hon'ble Mr. Justice RRK Trivedic, V.C.

Sushant Kumar Acharjee,  
Ex-IOW/Grade II son of Late  
Shiv Kinkar Acharjee, Resident of  
House No.G-2/109, Rail Vihar, Colony,  
Post Office-Chargawan, Gorakhpur (U.P.).  
(Sri KK Mani, Advocate)

. . . . . Applicant

Versus

1. Union of India, through the General Manager,  
North Eastern Railway, Gorakhpur.
2. Chief Personal Officer/(G.M./P),  
North Eastern Railway, Gorakhpur.
3. Chief Engineer, North Eastern Railway,  
Gorakhpur.
4. Financial Adviser and Chief Account's  
Officer (C.A.O.), Pension  
North Eastern Railway, Gorakhpur.  
(Sri SK Anwar, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

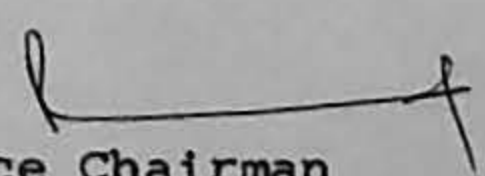
By Hon'ble Mr. Justice RRK Trivedi, V.C.

Heard counsel for the parties on merit. The grievance of the applicant stated in this OA is against the deduction of more than Rs.60,000/- from the amount of Death Cum Retirement Gratuity which has been communicated to the applicant by order dated 1-9-1998 impugned in this OA. The grievance of the applicant is that no opportunity of hearing was given to the applicant before passing the order dated 18-4-1996

filed as Annexure-1 to the counter affidavit. Learned counsel for the applicants contended that the order is liable to be quashed, <sup>being as it has been passed in</sup> ~~for~~ violation of the principles of natural justice. It has also been submitted that on receipt of the impugned order dated 1-9-1998 (Annexure-1 to the OA), the applicant filed a detailed representation stating his grievance but the representation has not been decided and is still pending before the General Manager, Northern Railway, Gorakhpur.

2. Sri SK Anwar, counsel for the respondents on the other hand submitted that the order dated 18-4-1996 was passed long back but the applicant did not challenge and he is not entitled to raise any grievance against the same. However, <sup>Learned Counsel</sup> ~~he~~ could not justify the action of the respondents in passing the order for deduction of this huge amount from the gratuity of the applicant without giving any show cause notice or opportunity of hearing.

3. In the facts and circumstances of the case, in my opinion, ends of justice shall be better served if this application is disposed of with the direction to the respondent General Manager, Northern Railway, Gorakhpur to decide the representation (Annexure-11 to the OA) of the applicant by a reasoned order within three months from the date a copy of this order is filed. Before passing the order, the applicant shall be given opportunity of hearing. The OA is disposed of accordingly with no order as to costs.

  
Vice Chairman

Dube/