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Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 18th Day of October, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1157 of 2000.

Udit Narain Shukla,
son of Late R.P. Shukla,
r/o- Working as T.T.E./U/Station-
Superintendent/Central Railway,
Jhansi.

Home Address: 110-B. Deendayal Nagar,
Nandan Pura, Jhansi. U.P.

.... Applicant.

Counsel for the Applicant: Sri S.K. Mishra, Adv.

Versus

1. The Union of India through the General Manager, Central Railway, Mumbai (Maharashtra)
2. The Divisional Railway Manager Central Railway, Jhansi (U.P.)
3. The Senior Divisional Commercial Manager, Central Railway Jhansi (U.P.)
4. The Chief Ticket Inspector (D) Central Railway Jhansi (U.P.)

.... Respondents.

Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

We have heard Sri S.K. Mishra, counsel for



the applicant and Sri D.C. Saxena, learned counsel for the respondents 1 to 4 who has accepted the notice for the respondents at our instance.

2. As this application may be decided at a short ground at admission stage, it does not appear necessary to call for counter affidavit from respondents.

3. The facts giving rise to this application are that applicant was serving as Travelling Ticket Examiner (T.T.E.) in 1996 when applicant was posted at Jhansi, he proceeded on leave from 28.8.96 to 31.8.96. It is alleged that a theft took place in his house in which certain documents including coupons for various denominations were also stolen. On return from his village when the applicant knew about the theft, he lodged F.I.R. with the police. However, the police could not apprehend the culprits and the coupons could not be recovered.

4. The grievance of the applicant is that no action was taken in the matter for four years and suddenly impugned order dated 13.9.2000 (Annexure-1) to the application has been passed against him for recovery of Rs.29,555/- from his salary at monthly rate of Rs. 50% of the pay. The other grievance of the applicant is that no opportunity of hearing has ever been given to him before fixing this liability. Learned counsel has also submitted that he made representation



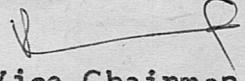
on 15.9.2000 to Senior Divisional Commercial Manager, Central Railway, Jhansi (respondent no.3) but no order has been passed on the representation.

5. Sri D.C. Saxena, learned counsel for the respondents has on the other hand submitted that as applicant was responsible to preserve the valuable coupons the amount is being rightly recoverd from him.

6. Considering the facts and circumstances, in our opinion, ends of justice shall be better served if the respondent no.3 is required to decide the representation of the applicant by a reasoned order within two months from the date a copy of this order is filed before him and the recovery may remain stayed during this period.

7. For the reasons stated above, the application is disposed of at admission stage with the direction to respondent no.3 to decide the representation of the applicant dated 15.9.2000 (Annexure-1) to this application within a period of two months from the date, a copy of this order is filed before him by a reasoned order. The recovery of the amount shall remain stayed for a period of two months or till the order is passed by respondent no.3 whichever is earlier after hearing the applicant. No order as to costs. Copy of the order shall be given to the parties within three days.


Member (A.)


Vice Chairman

Nafees.