

(8)
open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

.....

Original Application No. 1198 of 2000
this the 19th day of March 2002.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Atma Ram, aged about 51 years, S/o Sri Baldeo, R/o 1111/
3D, Gondu Compound, Jhansi.

Applicant.

By Advocate : Sri R.K. Nigam.

Versus.

1. Union of India through General Manager, Central Railway, Mumbai.
2. Divisional Railway Manager, Jhansi.
3. Chief Ticket Inspector (I), Central Railway, Jhansi.

Respondents.

By Advocate : Sri Amit Sthalekar.

ORDER (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

This application has been filed for quashing of the order dated 4.9.2000. A further direction to the respondents is sought not to effect any recovery of Rs. 14075 and return the amount already recovered, if any, with penal interest.

2. The applicant while working as Conductor in Central Railway, Jhansi, lost his Line Bag, which was stolen and contained EFTs book on 29.9.97. The applicant has claimed that he lodged an FIR and gave all concerned message. The applicant was imposed recovery of Rs.14075/- by letter of the respondents dated 4.9.2000 without holding any enquiry or issuing any show-cause notice. The applicant claims that a copy of the DRM's letter

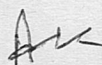
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29.8.2000 has not been made available to him despite repeated requests.

3. We have heard Sri R.K. Nigam for the applicant and Sri Amit Sthalekar for the respondents.

4. It is clear from the averments made in para 4.4 of the O.A. and reply thereto given in para 8 of the Counter reply that the applicant was not given any show-cause notice before the order recovering the amount of Rs. 14075/- was imposed on him. Recovery is one of the minor punishment contained in rule 6(iii) of the Railway Servants (Discipline & Appeal) Rules 1968, and the respondents are bound to follow the law in effecting the recovery from the applicant.

5. We, therefore, set aside the order dated 4.9.2000 passed by the Chief Ticket Inspector(I), Central Railway, Jhansi and order dated 29.8.2000 passed by the DRM (C) on which the order of recovery appears to be passed. The respondents may proceed against the applicant for the said recovery as per rules. There shall be no order as to costs.



MEMBER (J)



MEMBER (A)

GIRISH/-