

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of April 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

O.A. No.1254 of 2000

Janardan Dubey S/O Late Vishwanath Dubey R/O Qr.No.39-A,
Railway Dairy Colony, Gorakhpur..... Applicant.
Counsel for applicant : Sri S.K. Om.

Versus

1. Union of India through General Manager, Northern Eastern Railway, Gorakhpur.
2. General Manager (Personnel), N.E. Railway, Gorakhpur.
3. Chief Engineer, Northeastern Railway, Gorakhpur.
4. Assistant Engineer (General), Northeastern Railway, Gorakhpur..... Respondents.

Counsel for respondents : Sri J.N. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, the applicant has challenged the order dated 22.9.2000 filed as Annexure-7 by which applicant has been communicated that his application for cancellation of the one set of his first class pass, which was taken in excess by the applicant, has not been excused by the General Manager and recovery of Rs.18,216/- has been directed ^{or} ~~to recover~~ from his salary.

2. The facts, in short, giving rise to the controversy are that at the relevant time, the applicant was serving as Head Clerk in the office of Chief Engineer, North Eastern Railway, Gorakhpur. The applicant applied for issue of privilege pass for journey from Hawrah to Jammu Tawi and back and on the request of the applicant, first class pass No.235340 valid from 13.11.1999 to 11.3.2000 was issued in favour of the applicant. A copy of the pass has been filed as Annexure-1. It shows that the pass was for applicant,



his wife, two unmarried daughters and two sons. The applicant claims that on 19.11.1999 he applied for cancellation of the privilege pass No.235340 on the ground that his mother and wife have fallen ill. On this application, a query was made by letter dated 29.8.2000 from the office of General Manager (Personnel) to the affect (i) whether the wife of the applicant was actually ill when the pass was issued and (ii) whether the employee has filed any medical certificate to show the illness of his wife. The applicant was required to submit the evidence and explanation. Applicant submitted the medical certificate along with letter dated 14.9.2000. Thereafter the impugned order dated 22.11.2000 was passed. The grievance of the applicant is that he has not been communicated ~~with~~ any order containing reasons for not accepting the case of the applicant. The impugned order Annexure-1 does not disclose any reason.

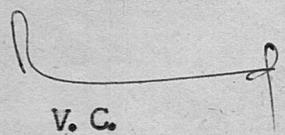
3. Resisting the claim of the applicant, counter affidavit has been filed. Sri J.N. Singh has submitted that application dated 19.11.1999 was not moved by the applicant at all and ~~it is~~ not available on record. Reliance has been placed on para 5 of the counter. Learned counsel for the respondents has also submitted ~~that~~ in 1999, no pass was due to applicant and passes were got ^{issued} by the applicant concealing the facts. However, along with the counter also, no order passed by the General Manager disclosing reasons has been filed. There is no allegation on record that applicant used the privilege pass issued on 13.11.1999. It may be a technical mistake on his part that he applied for issue of the privilege pass though it was not due to him. It was necessary to examine whether the action of the applicant was bonafide or malafide. A detailed order was necessary before the applicant was saddled with the responsibility of payment of Rs. 18216/-.



4. Considering the total facts and circumstances of the case, in my opinion, this matter may be remitted back to General Manager for reconsideration and for passing a detailed order after hearing the applicant.

5. For the reasons stated above this O.A. is partly allowed. The applicant is given liberty to make a detailed representation before General Manager, North Eastern Railway, Gorakhpur. The representation if so filed within a month, it shall be considered and decided by a reasoned and detailed order within three month. As under the interim order dated 10.11.2000, the amount has not been recovered from the applicant, the recovery shall remain stayed for a period of six months or till the representation is decided which ever is earlier.

No order as to costs.


V. C.

Asthana/