

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: Allahabad, this 21st day of November, 2000

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, JM

Original Application No.488 of 2000

Kamla Kant Jha,
s/o Sri Ram Dev Jha,
r/o Quarter No.8-B, Railway Quarters,
Tanakpur, Distt. Champawat.

. . . . Applicant

(By Advocate Sri A.K. Yadav)

Versus

1. The Union of India, through Secretary,
Railway Board, Rail Bhawan,
New Delhi.
2. The Assistant Commercial Manager,
N.E. Railway, Izzatnagar, Bareilly.
3. The Commercial Supervisor (Revenue),
N.E. Railway, Izzatnagar, Bareilly.

. . . . Respondents.

O R D E R (Open Court)

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed before us for direction for setting aside the order, by which recovery of Rs.3,000/- per month has been initiated against the applicant. A prayer has also been made for a direction to re-pay the amount already recovered from the salary of the applicant. The applicant has stated that he was working as Booking Clerk at Tanakpur Railway Station, Izzatnagar Railway Station. A circular, which was known as Circular No.36 of 1998 was received in the office of

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Commercial Supervisor, Izzatnagar on 21.7.1998. By the said circular, the fare of ordinary-cum-mail sleeper class was increased by Rs.10/-. The said circular was to be effective from ~~12.9.1998~~^{1.9.1998}. The applicant did not receive the circular till 7.12.1998. Resultantly, Rs.103/- in place of Rs.113/- were charged from the passengers by the applicant as also by his Supervisor, who is Respondent no.3 in this case. In November, 1999, a list of Tanakpur (Coaching) outstanding for November, 1999 was sent, wherein it was indicated that admitted debits for the period 1.9.98 to 6.12.98 amounted to Rs.23,842/-, out of which a debit of Rs.17,500/- was raised against the applicant. The applicant demanded that an inquiry be conducted, so that responsibility for less recovery could be properly fixed. The inquiry was conducted by one Sri A.K. Vema, who recorded the statement of the applicant on ~~23.12.1999~~²³⁻²⁻²⁰⁰⁰, but thereafter no further inquiry was conducted. The applicant was informed by receipt dated 11.4.2000 that Rs.3000/- has been deducted from his salary for the month of March, 2000 against the admitted debit of Rs.17,608/-. The learned counsel for the applicant has mentioned that the entire amount of Rs.17,608/- has now been recovered from the applicant. The said recovery has been made without granting opportunity after informing of the reasons for making the recovery and after passing orders on completion of the inquiry.


2. We have heard the learned counsel for the applicant. We find that no counter reply has been filed, although sufficient opportunities have been given to them.


Corrections carried
out, vide order
dt. 30.5.2001.

Ry
JM

AM

3. We, therefore, permit the applicant to file a representation, stating his case in his entirety within a period of one month from the date of this order and direct the Respondents to dispose of the said representation by a reasoned and speaking order within a period of three months from the date of receipt of copy of the order along with a copy of the representation. In case it is found that the applicant was not responsible for any loss caused to the Respondents, the amount already recovered from him shall be refunded to him within the said period. No order as to costs.


J.M.


A.M.

Nath/