

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 3rd day of August, 2000

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.
Hon'ble Mr. S. Biswas, A.M.

I. Original Application No.850 of 2000.

R.K. Yadav Son of Shri Sadhu Prasad Yadav,
Resident of Plot No.96, Ganga Nagar,
Near P.A.C. Battalion, Shyam Nagar,
Kanpur City, at present posted as
Mobile Booking Clerk, Kanpur Central,
Northern Railway, Kanpur U.P.

II. Original Application No.851 of 2000.

Manoj Kumar Gupta son of Shri Anand Swarup Gupta,
Resident of 128/311, 'Y' Block,
Kidwai Nagar, Kanpur, Home address 173/B,
Bajpayee Nagar, Bharthana, Distt. Etawah,
posted as Mobile Booking Clerk, Kanpur Central,
Northern Railway, Kanpur U.P.

III. Original Application No.852 of 2000.

Shivji Mishra son of Shri Ram Nath Mishra,
Resident of 165, Sector 'A' World Bank Colony,
Barra, Kanpur City, posted as Booking Clerk,
Kanpur Central, Northern Railway, Kanpur U.P.

IV. Original Application No. 853 of 2000.

Anil Kumar Srivastava son of Shri Prem Bahadur
Srivastava, resident of K-29, Yashoda Nagar,
Kanpur City,
posted as Senior Booking Clerk
at Kanpur Central, Northern Railway, U.P.

V. Original Application No. 854 of 2000.

Raj Kumar son of Shri Jamuna Prasad,
Resident of 120/852, Narayan Purwa,
Fazalganj, Kanpur City,
posted as Mobile Booking Clerk at
Kanpur Central, Northern Railway, U.P.



VI. Original Application No.855 of 2000.

Shyam Babu son of Shri Prabhati Singh,
R/o 97-A, Anand Nagar, Lal Bangla,
Kanpur City, posted as Head Booking Clerk,
Kanpur Central, Northern Railway, Kanpur U.P.

VII. Original Application No. 856 of 2000.

Yuv Raj Singh son of Late Tara Singh,
Resident of 7/113-E, Tulsi Chabutra,
Taj Singh, Agra, at present resident of
1956-C, Jamunia Bagh, Railway Colony, Kanpur Nagar,
Posted as Mobile Booking Clerk, Kanpur Central,
Northern Railway, Kanpur U.P.

VIII. Original Application No.857 of 2000.

Nafees Ahmad son of Riaz Ahmad,
resident of Village Agra Khurd,
P.O. Chando Para, Tehsil Handia,
District Allahabad, working as Mobile Booking Clerk,
Kanpur Central, Northern Railway,
Kanpur Nagar U.P.

IX. Original Application No.858 of 2000.

Rashid Ahmad son of Late Mohammad Haneef,
Resident of Qasba Saini, P.O. Sirathu,
District Kaushambi, at present resident
of 401-A, Military Camp, Railway Colony,
Kanpur, posted as Booking Clerk, Kanpur Central,
Northern Railway, Kanpur U.P.

(Sri R.C. Gupta/Km. Pratima Singh, Advocates
in all the OAs,)

. . . . Applicants

Versus

1. Union of India through Chief Commercial
Manager (Refund), Baroda House, New Delhi.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Chief Finance & Accounts Officer,
Baroda House, New Delhi.
4. Senior Divisional Commercial Manager,
Northern Railway, Allahabad U.P.
5. Chief Traffic Manager, Northern Railway,
Kanpur U.P.
6. Chief Booking Supervisor (Accounts)
(C.N.B.) Kanpur Central, Kanpur U.P.



7. Senior Traffic Inspector (Accounts)
Kanpur Central, Kanpur U.P.

..... Respondents
(In all the O.As.)

ORDER (Oral)

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

We have heard counsel for the applicants in all the abovementioned OAs which involve similar questions of facts and law and can be disposed of by a common order at the admission stage.

2. The applicants are serving the Railway as Mobile Booking Clerks or as Booking Clerks at Kanpur. They are aggrieved by the orders dated 16-5-2000 and 28-6-2000, which are Annexures-1 and 2 respectively to the OAs. By the aforesaid orders, amount mentioned against the names of the applicants, has been asked to be realised from them which was paid to the passengers of Train No.4518 DN and Train No.3008 DN from Ambala to Allahabad on various dates. It is claimed that the amount was refunded to the passengers ~~on~~ on account of unusually late running of trains, which were terminated. Learned counsel for the applicant has submitted that the refunds of the amount on partially used tickets was made on the basis of the orders passed by the Station Superintendent and refund was valid under Rules. It is submitted that the matter was considered by the Chief Commercial Manager and he vide order dated 30-4-1998 found such refund legal and valid and in accordance with Rules. A copy of the order of the Chief Commercial ^{Manager} ~~impugned~~ has been filed as Annexure-3 to the application.



Learned counsel for the applicant^s further submitted that, however, Chief Traffic Manager, respondent no.7 vide order dated 25-6-2000 has said that these refunds are illegal and he has directed realisation of the amount refunded by the applicants to the passengers. Learned counsel has also submitted that the applicants were not afforded any opportunity of hearing by the respondent no.7 before passing the impugned order and fixing the monetary liability against the applicants to pay the amount which was refunded to the passengers. Here it is also submitted that the amount is being threatened to be recovered from the salary of the applicants and no attention has been paid to their representations filed before respondent no.7 on 6-2-2000.

3. We have considered the submissions of the learned counsel for the applicants. From the impugned orders, it does not appear that the applicants were given opportunity of hearing before they were made liable to pay the amount. However, as the applicants have themselves filed representation before the respondent no.7, in our opinion respondent no.7 is under obligation to hear their grievances and pass a reasoned order on their representations as to how they can be made liable for the amount which has already been refunded to the passengers. In our opinion the end of justice shall be served if we direct the respondent no.7 to consider and decide the representations of the applicants by a reasoned order, after providing ^{them} an opportunity of hearing and ~~by a reasoned order~~ within a specified time.

4. These applications are being disposed of finally with the direction to respondent no.7, Senior Traffic



Inspector (Accounts), Kanpur Central, to consider and decide the representations of the applicants after giving ^{re}~~every~~^u opportunity of hearing to the applicants, by a reasoned order within a period of two months from the date a copy of this order is filed. ^{for the period of two months} or till representation is decided, whichever is earlier, the amount shall not be realised from the applicants, under the impugned order. There shall be no order as to costs.

S. B. Singh
Member (A)

R. Singh
Vice Chairman

Dube/