

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.1240 OF 2002

ALLAHABAD THIS THE 10th DAY OF **MAY**, 2006

**HON'BLE MR. K. B. S. RAJAN, MEMBER-J**

Janardan Prasad,  
Son of Pyare Prasad,  
Resident of E-53-A Purani Loco Colony,  
North Eastern Railway,  
Varanasi.

.....Applicant.

..... Versus

1. Union of India,  
through General Manager,  
North Eastern Railway,  
Gorakhpur.
2. Senior Divisional Personnel Officer,  
North Eastern Railway,  
Varanasi.
3. Senior Divisional Electrical Engineer, North  
Eastern Railway,  
Varanasi.

.....Respondents.

O R D E R

**By K.B.S. Rajan, Member-J**

The short controversy involved in this case is that whether the department is right in effecting recovery in regard to the electrical theft. According to applicant, proper notice was not given whereas according to respondents Annexure RA-1 letter dated 01.11.2001 is a show cause notice wherein the name of the applicant appears in serial no.7 and certain other details have also been furnished vide order dated 24.09.2002. This later order has not been challenged by the applicant.



2. In absence of the counsel for the applicant pleadings were perused and the counsel for the respondents was heard. The controversy can be resolved by giving one opportunity to the applicant to make a detailed representation wherein all the relevant points shall be registered. The same may be treated as in reply to notice dated 01.11.2001. The respondents shall consider all the points and decide the issue. In case as per the respondents also, the applicant should not have been saddled that the amount of electrical theft (<sup>fully</sup> ~~only~~ or in part) the respondents may affect necessary refund. If according to them and after consideration of the representation of the applicant, the applicant is not entitled to any such refund, the same shall be informed to him giving reasons thereof. As the recovery has already been made it will be in the interest of the applicant to make the representation within one month from the date of communication of this order and on receipt of the same within three months thereafter the respondents may dispose of the said representation.

3. The OA is disposed of accordingly. No Costs.



Member-J

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