

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER:- 987/02

THURSDAY, THIS THE 27TH DAY OF MARCH, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

H.K. Gulati,
a/a 60 years,
s/o Shri Gurditta Mal,
ex Telephone Superintendent/
Kanpur presently
r/o 1361-A Kidwai Nagar,
Allahpur,
Allahabad.

...Applicant.

(By Advocate:-Shri Z.N. Faruqui and
Shri K.N. Katyar)

Versus

1. Union of India, through General Manager,
Northern Railway, Head Quarter Office,
Baroda House, New Delhi.
 2. Divisional Railway Manager,
Northern Railway,
Allahabad.
 3. Senior Divisional Accounts Officer,
Northern Railway ,
Allahabad.
 4. Senior Divisional Personnel Officer,
Northern Railway,
Allahabad.
 5. The Manager, Northern Zone Railway Cooperative,
Thrift and Credit Society,
Baroda House,
New Delhi.
-Respondents.

(By Advocate:-Shri A.K. Gaur)

O R D E R

By this O.A under Section 19 of Administrative
Tribunals Act, 1985, applicant has prayed for a direction
to respondents to refund Rs. 50,445/- recovered from
the amount of gratuity payable to the applicant on his
retirement on 31-3-2002.



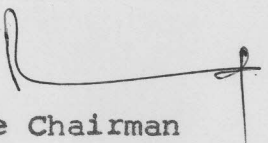
2. The facts of the case are that applicant was serving in Railways as Telephone Superintendent in pay scale of Rs. 2000-3200 (revised scale 6500-10500). It appears that applicant had taken a loan of Rs.20,000 from Northern Zone Railway Employees Cooperative Thrift and Credit Society Limited (in short NZRE) in the year 1992. The amount was payable with interest. The applicant's case is that this amount was paid back to the society and it was recovered ^{by} ~~on~~ monthly instalment from the salary of the applicant. ⁱⁿ support of this submission, applicant has filed pay slips which have been filed as Annexure-5 of the O.A. ~~for~~ From perusal of the pay slip ^{of} July, 1996, it appears that the amount of Rs.999 was deducted payable towards NZRE. ⁱⁿ the pay slip ^{of} June, 1997, ^{the} amount of Rs. 1015/- was deducted for being paid to NZRE. On record there is an award dated 22-10-1999 passed by arbitrator under Section 61 of Delhi Cooperative Society Act 1972 against the applicant . The operative part of the award reads as under:-

".....Shri M.K.Gulati, Principal Debtor (Defendant no. 2) are directed to pay jointly or severally to the above mentioned claimant a sum of Rs.35382/- as Principal amount/Interest/Penal Interest, + Arb. Cost of Rs. 3715/-, Total Rs. 39097/- upto 30.9.99 and further interest 10.8+3% p.a will be charged w.e.f. 1.10.1999, until realization in full of the principal sum. The payment if any, made by the defendant, shall be adjusted in his account."

Thus, the liability of the applicant was fixed by ^{arbitrator} ~~in~~ arbitration proceedings ~~by~~ under Section 61 of the Delhi Cooperative society Act, 1972 . ~~In view of this~~ award can not be questioned before this Tribunal under Section 19 of Administrative Tribunals Act. The dispute ^{raised by} ~~between~~ the applicant is with regard to loan taken from respondents No. 5 which is not the service dispute and this Tribunal has no jurisdiction to adjudicate the dispute raised by the applicant. The application is

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accordingly dismissed as not maintainable. However, it shall be open to applicant to raise his grievance before the appropriate forum in accordance with law. There will be no order to costs.


Vice Chairman

Madhu/