

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

**Original Application No.108 of 2002**

ALLAHABAD THIS THE 05<sup>TH</sup> DAY OF APRIL 2005.

**Hon'ble Mr.D.R.TIWARI, Member-A.**

Swami Prasad Sharma  
Shri Ram Lal Sharma  
R/o 92 A Lal Ki Sarai Post c/ Labri.  
District-Allahabad.

.....Applicant.

(By Advocates : Sri D. Tewari/  
Sri S Gosain/  
Sri S.G.Saran)

**Versus.**

1. The Union of India  
through General Manager  
Central Railway, Mumbai CST.
2. General Manager,  
Central Railway,  
Mumbai CST.
3. Divisional Railway Manager  
Central Railway, Jhansi.
4. Dy. Chief Engineer (Construction)  
Central Railway,  
Gwalior

.....Respondents.

**(By Advocate: Sri A.V. Srivastava)**

**ORDER**

By this O.A under section 19 of Administrative  
Tribunals Act, 1985, the applicant has prayed for  
issuance of a direction for releasing the withheld  
payment in a tune of Rs.1,30,000/- coupled with the

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prayer to pay the interest at the rate of 24% per annum on the alleged deduction. He has further prayed that the respondents be directed to release the professional tax of Rs.1498/- realized from the applicant illegally.

2. Sri Dharmendra Tiwari, learned counsel for the applicant disputed the claim made by the respondent's counsel about the professional tax as well as payment of ~~withholding~~ amount of Rs.1,30,000/-.

3. Sri A.V. Srivastava, learned counsel for the respondents drew my attention to paras 11 and 13 of the counter affidavit by which he has successfully demonstrated that his Headquarter was at Gwalior and not at Agra and as per the Rules of the State of Madhya Pradesh, he is liable to ~~be~~ <sup>pay</sup> ~~paid~~ the professional tax. He also submitted that the claim of Rs.1,30,000/- has been paid after deducting the dues with regard to the electrical bills and H.R.A. etc.

4. I have heard the rival submissions made by learned counsel for the parties and perused the records.

5. The only point which appears to be still disputed is the levy of professional tax from the applicant. Learned counsel for the respondents fairly conceded

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that if the applicant makes a representation on this point, the Competent Authorities will consider it as quickly as possible.

6. Under the circumstances, I am of the view that the ends of justice will better be served if the applicant is given liberty to file a detailed representation with regard to his grievance and the respondents is directed to consider and decide the said representation by a reasoned and speaking order.

7. Under the circumstances, the O.A. is disposed of finally with a direction to the Competent Authority to consider and decide the representation of the applicant by a reasoned and speaking order to be passed and communicated to the applicant within a period of six months from the date of receipt of a copy of the order. The respondents are also directed to pay the interest of late payment of withheld amount, if admissible under the Rules.

No costs.

*D. K. Sinha*  
Member-A.

Manish/-