

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 695 OF 2003

ALLAHABAD THIS THE 2nd DAY OF AUGUST 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Jagdish Chandra,
s/o Late R. R. Sharma,
aged about 71 years
R/O 29-A, Ayodhya Kunj,
Agra.

.....Applicant

(By Advocate: Shri B. L. Kulendra)

V E R S U S

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Sr. Divisional Account Officer, North Central Railway, Jhansi.

..... Respondents

(By Advocate: Shri D. Awasthi)

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

The whole controversy in this case, is that while applicant says an amount of Rs.49,520/- which was withheld from his gratuity at the time of his retirement on 31.07.1989 has not been paid to him till date but respondents maintained that they had sent cheque No.649064 dated 15.11.1989 for Rs.49,520/- by registered post at applicant's address by postal receipt No.1822.

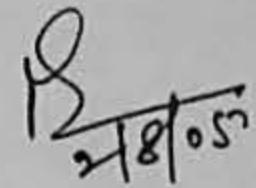
2. Counsel for the applicant has pointed out that the stamp put on the receipt No.1822 is dated 05.11.1989 whereas the cheque is stated to be dated 15.11.1989 which itself shows that cheque could not have been dispatched to the applicant as

cheque is of a subsequent date. Perusal of Annexure CR-I further shows that even 89 has also been written in hand, therefore, grievance of the applicant seems to be valid that he has not yet been paid the amount. However, this matter needs to be investigated at appropriate level as original records are not produced and there are some grey areas which need to be looked into.

3. Counsel for the respondents has submitted that Cheque was A/c Payee in the name of Jagdish Chandra which has already been withdrawn from State Bank of India on 07.12.1989. If the said cheque has been encashed from SBI it can easily be verified from SBI as to who ~~has~~ presented the said cheque for encashment. The account holder of the said A/c no, who presented the cheque through his bank can easily be verified on queries made to the respective banks. In normal course if a person is paid the amount he would not file case after case. On the other hand respondents stand can also not be ignored as they have stated cheque was sent at applicant's address through registered post. The draw back however is, that cheque is dated 15.11.1989 while receipt for having sent the registered letter bears the date 05.11.1989. This seems to be a serious matter. Therefore, this matter is remitted to the D.R.M. Jhansi for getting the investigation made through some responsible officer from the bank to find the truth. In case it is found that the cheque has not been presented by the applicant or any of his family members proper orders should be passed to make the payment to the applicant within a reasonable period and if it is found that the cheque has been got encashed by applicant or any other member of his family himself and he had mis-representing the facts, in that case, respondents may reject

the applicant's case by passing a reasoned order and also take criminal action against the applicant in accordance with law.

4. With the above directions, the Original Application is disposed off. No order as to costs.



Member (J)

Shukla/-