

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(8)

O.A. No. 484/89
Tax No.

DATE OF DECISION 21/9/1993

Shri Chhanabhai Gopalji Patel Petitioner

Mr. D. M. Bharati Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel : Vice Chairman

The Hon'ble Mr. V. Radhakrishnan : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Shri Chhanabhai Gopalji Patel,
6/11, New Bhagavati Nagar Society,
Saraspur, Ahmedabad-380 018.
(Advocate: Mr.D.M.Bharati)

: Applicant

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Versus

1. The General Manager,
Western Railway,
Churchgate, Bombay-4
2. The Senior Divisional Commercial
Superintendent,
Pratap Nagar, Vadodara,
Western Railway.
3. The Station Superintendent,
Western Railway, Kalpur,
Ahmedabad.
4. The Government of India,
New Delhi,
(Notice to be served through
The General Manager,
Bombay.)

: Respondents

ORAL JUDGMENT

IN

OA/484/89

Date: 21/9/1993

The present application was filed by the applicant on 9.11.1989 while he was in service of the Western Railways as Chief Booking Clerk, Ahmedabad, against recoveries at the rate of Rs.300/- per month being effected from his salary. The relief which the applicant, in fact, claimed was that the respondents should be restrained from effecting any recoveries from his salary. It appears that, according to the respondents, the applicant had collected certain amount from two groups of passengers who had purchased bulk tickets and he had not credited with the Government the entire amount which

he had collected from the passengers. It was, therefore, that the respondents had started recovering Rs.300/- per month from the salary of the applicant. In the O.A. the applicant has challenged the said action of the Railways in effecting recoveries from the salary on the ground that the applicant was not given any opportunity to show cause as to why recoveries should not be made from his salary. It appears that, by the time the applicant filed this O.A., a total amount of Rs.3637/- was already recovered from his salary at the rate of Rs.300/- per month. After filing this application on 9.11.89, the applicant obtained interim relief against making further deduction from his salary. During the pendency of the application, the respondents moved MA/251/90 on 22.7.1990 for getting the interim relief vacated as the applicant had approached them with a request to retire ~~him~~ voluntarily from ~~his~~ service. It appears that, while tendering his request for voluntarily retiring from service, the applicant admitted that an amount of Rs.47772/- was still outstanding from him on account of the retention of the railway money by him out of the charges which he recovered from passengers. He also stated that this amount of Rs.47772/- may be deducted from the gratuity amount and the commuted-value-of-the-pension amount payable to him on acceptance of his request for voluntary retirement. The applicant's request for voluntary retirement was accepted and he has actually retired

voluntarily from service w.e.f. 31.7.1990. It appears that, thereafter, the retiral benefits payable to the applicant under different Heads have been worked out and, after deducting an amount of Rs.47772/- from the total amount of Rs.92983/- payable to him on account of gratuity and commuted value of pension, has been paid to him. In other words, an amount of Rs.45211/- is paid to the applicant on account of gratuity and commuted value of pension after deducting an amount of Rs.47772/- which he had admitted ~~is~~ to be ~~paid payable~~ by him on account of retention of the Railway money by him out of the amount collected by him from the passengers. It appears, however, that there was considerable delay in payment of retiral benefits to the applicant under different Heads. Mr.Bharati ~~has~~ stated before us that the only grievance which the applicant now has, is that, though there has been inordinate delay in payment of retiral benefits to him, the applicant has not been paid any interest on the amount payable to him. He, therefore, urged that necessary directions be issued to the respondents directing them to pay interest to the applicant for the inordinate delay in making payment of the retiral benefits.

We are not in a position to accede to the aforesaid request of Mr.Bharati for the simple reason that it ~~falls~~ ^{falls} outside the purview of the

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present application. The present application has clearly become infructuous, because there is now no question of any payment of salary having to be made to the applicant and any deduction to be effected therefrom. This application is directed only against the action of the Railway Administration in effecting deductions from the salary of the applicant at the rate of Rs.300/- per month, cause of action against which now does not survive. If the applicant feels that the respondents are legally liable to pay him interest for the delay in making actual disbursement of retiral benefits to him, it is an entirely different subject-matter for which the applicant may pursue appropriate remedy, if so advised.

In the circumstances mentioned above and as the present application has become infructuous, we dispose it of without any order as to costs.


(V. Radhakrishnan)

Member (A)


(N.B. Patel)

Vice Chairman

a.a.b.