

(2)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 193 of 1990  
Case No.

DATE OF DECISION 7.2.1992

Shri Naval Singh Petitioner

Shri J.O. Vashistha Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

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?

(3)

Shri Naval Singh  
C/o. Gajendra Singh  
Railway Colony  
RUTNAL (KUTCH)  
(Advocate : Shri J.D.Vashistha)  
VS.

: Applicant

1. Union of India, through  
General Manager,  
Western Railway,  
Chur~~ch~~gate,  
BOMBAY.

2. Divisional Railway Manager, (E)  
Western Railway,  
AJMER.

: Respondents

(Advocate : Shri B.R. Kyada)

O R A L - H U D G E M E N T

O.A.No. 193 of 1990

Date : 7.2.1992

Per : Hon'ble Shri R.V. Bhatt

: Member (J)

Shri J.C. Vasistha, learned advocate for the applicant and Shri B.R. Kyada, learned advocate for the respondents present. This application is filed under Section 19 of the Administrative Tribunals Act, 1985, by retired Station Master of Chitrode Railway Station on Western Railway, praying that the impugned order, annexure A/2, dated 31.1.1988 and the impugned order of the same date, annexure A/3, passed by the respondent no.2, be quashed and set aside and the respondents be directed to refund Rs.18,772/- to the applicant with interest.

*new*

2. The applicant has alleged in the application

(A)

that he voluntarily retired on 31.3.1987 from his post, that the Divisional Railway Manager (E), Ajmer sanctioned his Death cum Retirement Gratuity (DCRG) amounting to Rs.26,079/-, out of which Rs.20,000/- were detained from that towards leave adjustment as shown in annexure A/1. It is also alleged that, thereafter other impugned order, annexure A/2, of the same date which shows that after representation of the applicant, the amount of Rs.2,300/- shown under item no. 3 against traffic debit, was dropped and fresh order for recovery of Rs.18,772/- against leave adjustment was passed as per annexure A/3. Thus, the grievance of the applicants is that the amount of only Rs.1,228/- was then paid from the amount of Rs.20,000/- detained by the respondents deducting Rs.18,772/-, as per annexure A/4.

3. It is the case of the applicant that he made repeated representations to the respondents requesting them for the details of the wages paid during the relevant period for which recoveries are sought. The applicant has produced at annexure A/5 the notice given by the applicant dated 2.8.1989, to which the respondents gave reply, annexure A/6, dated 14.10.1989. The grievance of the applicant is that the respondents have failed to satisfy him the details as to how this amount ranging from February, 1982 to March 1987 are deducted.

4. The respondents have filed reply contesting the application. The respondents have filed at annexure R/1, four sheets showing detailed statement of the pay drawn by the applicant ~~and~~ <sup>for</sup> pay due in favour of the applicant. Page 7, which is the last page of this annexure R/1, shows the grand total of the amount drawn by the applicant which comes to Rs.1,02,758.73 and the grand total of the amount due which comes to Rs.79,118.75.

The learned advocate Mr. Kyada has submitted that, ~~though~~ this statement, annexed at R/1, fully covers all the items under different head, of the payment received by the applicant and payment which were due, <sup>and</sup> all these annexures also shows the amount which was to be recovered from the applicant. However, Mr. Kyada very fairly states that the respondents do not have any desire to deprive the applicant of a single paise which he is legitimately and legally entitled to and the fact that the applicant has now retired, the respondents are prepared to help the applicant if the applicant goes in person to the responsible officer of the respondents for his grievance.

5. Learned advocate for the applicant under the instruction of the applicant, who is also present in the court room, submitted that the demand of the applicant is that he should be shown the original pay sheets, as per annexure R/1, to enable the applicant to know the

full details to which Shri Kyada has no objection.

Hence this application is disposed of as per the direction to respondent no. 2 as under :-

O R D E R

The respondent no.2 Divisional Railway Manager (E) Western Railway, Ajmer, to make arrangement from his officer in charge of this section, to show to the applicant the original pay sheet of the relevant period, of annexure R/1, for the satisfaction of the applicant as to how the recovery is found from the applicant. The respondent no. 2 may intimate in writing to the applicant, the date and the time, at the address shown in the application at Gandhidham, Kutch, to remain present before the officer concerned. The respondent no. 2 is directed to dispose of the grievance of the applicant accordingly within two months from the receipt of this judgement. If the applicant feels aggrieved thereafter, he may take proper legal proceedings. The application is disposed of accordingly. No order as to costs.

*R.C.Bhatt*

(R.C.BHATT)  
Member (J)

(7)

M.A./18/90

in  
O.A. Stamp No. 52/89

Coram : Hon'ble Mr. N. Dharmadan : Judicial Member  
Hon'ble Mr.M.M. Singh : Administrative Member

18/04/1990

Heard Mr.J.G.Vashistha and Mr.B.R.Kyada the learned counsel for the applicant and the respondents respectively. Application for Condonation of delay allowed. The application is admitted. Issue notice to the respondents to reply on merits within one month. With this order M.A./18/90, stands disposed of.

*M. M. Singh*  
( M.M. Singh )  
Administrative Member

*N. Dharmadan*  
( N. Dharmadan )  
Judicial Member

AIT