

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~

AHMEDABAD

BENCH

O.A. No. 128 of 19 91
~~P.A. No.~~

DATE OF DECISION 16.7.1991

Shri Abdul Haikhan PetitionerMr. B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Anr. RespondentMr. B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh :: :: Administrative Member

The Hon'ble Mr. S. Santhana Krishnan :: :: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Shri Abdul Haikhan,
C/o. B.B. Gogia,
Advocate,
Junction Plot,
Rajkot.

: Applicant

(Advocate - Mr. B.B. Gogia)

Versus

1. Union of India,
Through :
General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

2. Divisional Railway Manager,
Western Railway,
Rajkot Division,
Kothi Compound,
Rajkot.

: Respondents

(Advocate : Mr. B.R. Kyada)

CORAM : Hon'ble Mr. M.M. Singh

: Admv. Member

Hon'ble Mr. S.Santhana Krishnan: Judicial Member

O R A L - O R D E R

O.A./128/91

Dated : 16.7.1991

Per : Hon'ble Mr. M.M. Singh : Administrative Member

This Original Application challenges two orders, the first being notice of imposition of penalty dated 24.4.1990 passed by DME, Rajkot imposing penalty of withholding of one set of pass and one set of PTO and Order dt. 19.4.1990 issued from the Divisional Office advising the applicant about recovery of Rs. 467.00 towards rent for the alleged occupation of quarter and Rs. 4284/- towards alleged overpayment of HRA. The first order under challenge is produced at Annexure A-5. When this office raised objection regarding application being based on more than one cause, the office received letter dt. 19.3.1991 from the applicant to the effect that he

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does not press for the relief in relation to the first order. Learned counsel for the applicant, Mr. Gogia also makes statement that ^{the relief} with regard to the first order is not pressed and is given up.


2. With regard to the relief on the basis of the second order, we noticed^M that the original application mentions the figure Rs. 467/- as towards rent for the alleged occupation of quarter. At Annexure A-6 has been produced what is ~~it~~^M stated to be a true copy in which amount Rs. 4671/- is shown. This true copy should imply ~~existence of~~^{existence M} original from which true copy is made. However, though purporting to be true copy of office record of DN. Office, Rajkot dt. 19.4.1991, the true copy does not even show as to whom this record was purported to be addressed and who signed it. From the contents of this paper purporting to be true copy, it is clear that if, at all there is an original from which true copy has been prepared, ~~the~~ true copy is not complete.^M Looking to the contents of true copy produced, it only shows that the amount of recovery of rent has been worked out by the office issuing this letter on the basis of an instruction dt. 28.2.1990 received by that office. This true copy no where shows that it is a direction to the applicant to pay the amount^M which have been worked out in it for the period from 14.5.1988 to 28.1.1989.

3. We also noticed^M that a charge sheet dated 28.2.1990 was issued to the applicant and in the statement of imputation in it, one of the imputations was that the applicant did not call the meeting of the Housing Committee for the reason that one of the quarters ~~(a~~^M the number of quarter of ~~which~~^M is mentioned in the statement of imputation^M was being unauthorisely used by the

applicant himself and though he was in possession of a quarter he was claiming T.A. and H.R.A. treating his head quarter at Rajkot etc. To this charge sheet, reply dated 8.3.1990 was furnished by the applicant. The reply, inter alia, says that he has not unauthorisely occupied the Railway quarter and that he was residing in a private accommodation etc. As such it is transparent from the papers that the charge sheet might have resulted in a final order including perhaps on the allegations of unauthorise^M(occupation of quarter etc., ^Nno such order has been challenged. On the contrary, the order under challenge is some correspondence which is not even complete as discussed above.

4. From the above, we find that this application does not deserve our ^{further} consideration. It is rejected.


(S Santhana Krishnan)
Judicial Member


(M M Singh)
Admv. Member

*Mogera

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C/o. B.B. Gogia,
Advocate,
Junction Plot,
Rajkot.

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