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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 391 of 1993

Date of Decision: 21. 1. 1994

Radhamohan Sahoo

Applicant(s)


Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *NO*


MEMBER (ADMINISTRATIVE)
21 JAN 94

 21.1.94
VICE-CHAIRMAN

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Respondents

For the applicant

M/s.S.K.Dash
B.Mohapatra
S.K.Mishra
B.N.Mohapatra,
Advocates

For the respondents

Mr.D.N.Mishra,
Standing Counsel
(Rly.Administration)

C O R A M:

THE HONOURABLE MR.K.P. ACHARYA, VICE - CHAIRMAN

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to be issued to the opposite parties to repay caution money of Rs.300/- deposited by the petitioner and further more a direction to be issued to the opposite parties to refund the house rent (excess recovery) and electric charges ^{realised} ~~made~~ by the competent authority from the pay bill of the petitioner which is an illegal deduction as the petitioner had vacated the quarters from 25th July, 89.

2. Shortly stated the case of the petitioner is that at the time he joined the service in Railway Administration, he had deposited a sum of Rs.100/- towards

caution money vide Foil No.137758 contained in Annexure-1 and the balance amount of Rs.200/- was adjusted from the salary of the petitioner. Even if the petitioner has retired on superannuation, the amount of Rs.300/- deposited as caution money has not been repaid. Further case of the petitioner is that he was in occupation of a quarter which was allotted to him at Bhubaneswar. The petitioner has since vacated the quarter with effect from 25th July, 1989, but the concerned authorities have been regularly deducting the house rent and electrical charges from the pay of the petitioner, even after 25th July, 1989 which is a clear illegality, and, therefore, the ~~excess~~ recovery of Rs.488/- should be refunded to the petitioner.

3. In their counter the opposite parties maintain that the excess recovery of Rs.488/- will be returned to the petitioner provided that he submits a vacation memo as per rules and it is further maintained by the opposite parties that the petitioner had never deposited Rs.200/- towards caution money nor any deduction ever been made from his pay bill. As per Annexure-1, the petitioner deposited Rs.100/- only as the rule prevalent then was that an employee had to deposit Rs.100/- only. Subsequently, the amount was enhanced to Rs.300/-. The petitioner taking advantage of the amended rules, falsely claims Rs.300/- without any evidence or proof of the fact that he had deposited Rs.300/- towards caution money.

4. We have heard Mr.S.K.Dash, learned counsel for the petitioner and Mr.D.N.Mishra, learned Standing Counsel. Mr.D.N.Mishra submitted that the departmental authorities

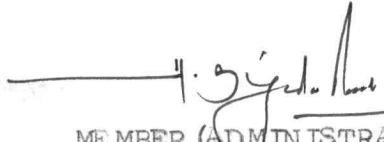
would refund the excess amount paid by the petitioner towards house rent, provided that he files a vacation memo. We are unable to accept this contention of Mr.D.N.Mishra, because, from Annexure-3, we find that the I.O.W., Bhubaneswar vide his letter dated 25th July, 1989 addressed to the Divisional Personnel Officer, Khurda Road has stated that Shri R.M.Sahu has vacated the quarters in question on 25th July, 1989 and all engineering fittings are in-tact. We cannot ^{comprehend} ~~apprehend~~ as to what more is necessary for the departmental authorities to be satisfied that the petitioner had vacated the quarters in question. Annexure-3 contains certain ^{recitals} ~~recitals~~ of a document relating to the railway authorities and therefore, in our opinion, there is no further necessity of filing a vacation memo by the petitioner. In paragraph-3 of the counter, the opposite parties admit the claim of the petitioner and state that the excess recovery of Rs.488/- from 26.7.1989 will be refunded to the petitioner. Hence it is directed that such amount be refunded to the petitioner within 30 days from the date of receipt of a copy of this judgment.

5. So far as return of Rs.300/- said to have been deposited by the petitioner towards caution money is concerned, no evidence was placed before us by the petitioner that he had actually deposited Rs.300/- or after making a deposit of Rs.100/- a sum of Rs.200/- was deducted from the salary of the petitioner. Since the admitted position is that the petitioner is entitled to Rs.100/-, the same be returned to the petitioner (if not returned) within 30 days from the date of receipt

of a copy of this judgment.

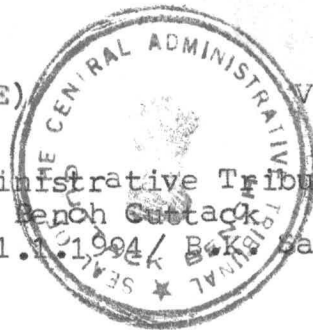
6. So far as balance amount of Rs.200/- is concerned, the concerned authority will be well-advised to look into the pay bill of the petitioner for the period which would be stated by the petitioner in a written representation and after checking up of the pay bill, if it is found that Rs.200/- has been deducted from the pay of the petitioner, the same should be returned to the petitioner.

7. Thus the application is accordingly disposed of leaving of the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)

21 JAN 94

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 21.1.1994 / B.K. Sahoo




VICE-CHAIRMAN
21.1.94