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O.A.NO. 533 OF 1996

ORDER DATED 02-12-2002.

Heard Mr.J.Sengupta, Learned Counsel for the Applicant and Mr.D.N.Mishra, learned Standing Counsel for the Railways appearing for the Respondents and perused the records.

Applicant, Shri Hari Singh, having faced the order of punishment in a minor disciplinary proceedings under Annexure-5 dated 25-04-1995 and having carried the matter in appeal to his higher authority, simultaneously approached before this Tribunal in the present Original Application, under section 19 of the Administrative Tribunals Act, 1985 challenging the said order of punishment under Annexure-5.

Now, at the hearing it has been brought on record that the Revisional Authority on examination of the matter has reduced the punishment to withholding of increment for one and half years/18 months without cumulative effect under Annexure-R/1 dated 3-9-1996. Applicant did not also challenge the said order of the Revisional Authority dated 3-9-1996 under Annexure-R/1 to the counter, in this O.A.

In the said premises, this Original Application is disposed of on the face of the Revisional Authority's order dated 3-9-1996, under Annexure-R/1 with a direction to the Respondents that recoveries, if any, made from the applicant pursuant to Annexure-5, over and above

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the order of revisional authority dated 3-9-1996 shall be refunded to the Applicant, if not already done, within a period of three months. In the peculiar facts and circumstances of the case, while making payment / refunding the arrears, recovered from the Applicant, over and above the order of the revisional authority dated 3-9-1996 (Annexure-R/1), the Railways should pay interest @ 5% per annum to the Applicant, if the amount has not already been paid to the Applicant. There shall however, be no order as to costs.

  
(B.N.SOM)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

KNM/CM.