

Order dated 17.3.2003

None appeared on behalf of the applicant nor the applicant did appear in person when called. Already this matter was adjourned twice on 24.2.2003 and 10.03.2003. In view of this we are not inclined to adjourn this year old matter of 1996 any further and therefore, with the aid and assistance of Shri S. Ray, learned counsel for the Railways we perused the materials available on record and also heard Shri Ray.

The fact of the matter is that the applicant is aggrieved by the action of the Respondents in recovering a sum of Rs.1,316/- from his salary on the ground that certain items of stock were found short when the applicant handed over the charge of C.T.F.M./RSO/TATA on 25.1.1990. The applicant had submitted an appeal to Sr.D.E.E.(RSO)/CKD vide his representation under Annexure-4, which was disposed of by the said authority on 9.2.1991 under Annexure-5. We have gone through the representation submitted by the applicant under Annexure-4 as well as the order of the appellate authority under Annexure-5. Having regard to the facts of the case, we are of the view that the appellate authority had passed this order without due application of his mind and without appreciating fully the facts of the case as brought out by the applicant in his representation under Annexure-4. In view of the aforesaid position of the matter, we direct the appellate authority to reconsider the representation

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dated 15.12.1994 made by the applicant and to provide him necessary relief as due and admissible. The appellate authority may also give a personal hearing to the applicant before finally disposing of the matter. The entire process should be completed within a period of ninety(90) days from the date of receipt of this order.

In the aforesaid terms, this O.A. is allowed by quashing the impugned order under Annexure 5. No costs.

*Indran*  
VICE-CHAIRMAN

*Y. Chel*  
17/03/03  
MEMBER (JUDICIAL)

Dr. D. 17.3.03

copy of order  
handed over to  
counsel for  
solicitor.

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*Dr. D.*  
20/3/03