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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00596 of 2014
Cuttack, this the 1st day of August, 2014

M. Ali Khan Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? **No**
2. Whether it be referred to PB for circulation? **No**


(R.C. MISRA)
ADMN. MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

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CORAM
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)

Mubarak Ali Khan,
aged about 46 years,
S/o. Late Nagirulla Khan,
At/Po-Charinangal, P.S.: Balichandrapur,
District:Jajpur, at present working as
Driver, Gr-II in the O/o SSE/TRD/CTC,
East Coast Railway, Cuttack.

...Applicant

(Advocate: M/s. P.K. Chand, N. Samal)

VERSUS

Union of India Represented through

1. The General Manager,
East Coast Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar, Dist. Khurda.
2. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road Division,
Jatni, Dist. Khurda.
3. Sr. Divisional Electrical Officer (TRD),
East Coast Railway,
Khurda Road Division,
Jatni, Dist. Khurda.
4. Sri R.C. Raiger,
Sr. Divisional Electrical Officer (TRD),
East Coast Railway,
Khurda Road Division,
Jatni, Dist. Khurda.
5. Sr. Section Engineer (OHE),
East Coast Railway,
Cuttack.

... Respondents

(Advocate: Mr. T. Rath)

Q.
Rath

ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Mr. P.K. Chand, Ld. Counsel appearing for the applicant and Mr.T. Rath, Ld. Standing Counsel appearing for the Respondents/Railways and perused the materials placed on record.

2. Applicant in the present O.A. has challenged the order dated 24.03.2014 passed by the Sr. Divisional Electrical Engineer (Respondent No.3) directing recovery of Rs.81,425/- from his salary in suitable installments towards repairing charges of vehicle which had met with an accident.

3. The facts of the case are that on 08.03.2013 at about 1 P.M. applicant while driving the Office vehicle, which is a Tata Sumo met with an accident on the way at Arua in between Jakhapur and Cuttack. According to applicant, he has committed no negligence while driving the vehicle which met with an accident and thereby he sustained serious multiple injuries on the whole part of his body and fracture in right leg and was hospitalized. The vehicle was also damaged partly in the accident. This matter was not reported to the Police and therefore, the applicant could not get any compensation for medical expenses from the employer and therefore he had to bear the expenses for his treatment. He was told by the concerned authorities that the total estimate for vehicle repairing would be Rs.2,17,025/- out of which the Insurance Company would pay Rs.1,75,000/- and the rest amount will be paid by the Department. However, applicant was only asked to pay Rs.10,000/-. In the meantime, the vehicle has been repaired and the payment towards repair has been made by the Insurance Company and the Department. While the matter stood thus, on 24.03.14, applicant received a notice from the authorities that an amount of Rs.81,425/- would be deducted from his salary in suitable installments towards repairing charges of the accident vehicle.

4. The applicant's case is that he is a low paid employee having a lot of family responsibilities and that the recovery of heavy amount from his salary is totally unfair. It is submitted by the Ld. Counsel for the applicant that the applicant has made a representation to Respondent No.3 on 12.05.2014 praying therein that the notice of deduction of Rs.81,425/- from his salary may be cancelled.

5. Mr.T. Rath, Ld. Standing Counsel appearing for the Respondents/Railways has submitted that he has no information about the present status of the representation as mentioned by the applicant.

6. I have considered the submissions made by Ld. Counsel for both the sides. I am of the opinion that the Respondent No.3 should look into the representation, if at all received by him, and take a decision at his level on the basis of the facts as well as the various points raised by the applicant in his representation.

7. I therefore, direct Respondent No.3 to consider the representation and communicate the decision thereof to the applicant through a reasoned and speaking order within a period of 30 days from the date of receipt of this order.

8. It is further directed that no recovery shall be effected from the salary of the applicant pursuant to Annexure-A/4 dated 24.03.2014 till the representation is decided by the authorities. Ordered accordingly.

9. With the above observation and direction this O.A. is disposed of at the admission stage itself. No costs.

10. As agreed to by Ld. Counsel appearing for both the sides, copy of this order along with copy of this O.A. be sent to Respondent No.3 at the cost of the applicant for compliance for which Mr. P.K. Chand, undertakes to deposit the postal requites by 04.08.2014.



11. Free copy of the order be made over to Ld. Counsel appearing for both the sides.


(R.C. MISRA)
ADMN. MEMBER

K.B.