

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 599 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Sri ARMAN,
S/o- Late, J. Sheikh,
LR/Khalasi,
under Signal Inspector (S) E.Rly, Azimganj,
residing at Sether Laha, P.O. Azimganj, Dist- Murshidabad.

... Applicant.

Vrs.

1. Union of India, through General Manager, E. Rly, Fairlie Place, Calcutta.
2. Divl. Rly. Manager, E. Rly, Howrah.
3. Sr. District Signal & Telecom Engineer, E. Rly, Howrah.
4. Sr. Divl. Audit Officer, E. Rly, Howrah.

... Respondents.

For applicant : Mr. B.P. Roy, Counsel.

For Respondents : Mr. C. Samaddar, Counsel.

Heard on : 17.11.97.

Ordered on : 17.11.97.

O R D E R

B.C.Sarma, AM.

This application has been filed by the applicant with the prayer that the Order passed by the respondents for alleged un-lawful deduction at the rate of Rs. 250/- per month from his pay from August '93 to the date of Interim Order passed on 10.11.96 in this O.A be quashed and set aside.

2. The applicant contends that on the allegation that he was in unauthorised occupation of the railway quarter from 1987 to 1993

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the respondents had started deducting the said amount from his pay against which he has come. It is the categorical averment of the applicant that he has not occupied any railway quarter whether authorised or unauthorised and, therefore, there cannot be any question of making deduction from his pay. The admission hearing of the matter was adjourned from time to time and the respondents today submit~~s~~ that no reply has yet been filed. It seems that the respondents are not interested to file any reply in this matter. Accordingly, we do not like to keep the matter pending and think fit to decide it on the basis of the available record.

3. We have heard the submission of the 1d. Counsel for both the parties, perused records and considered the facts and circumstances of the case. We find that a categorical submission has been made by the applicant that he was not in occupation of any railway quarter during the relevant period.

4. Accordingly, therefore, we dispose of this application with the direction on the respondents that within a period of two(2) months from the date of communication of this Order, the respondents shall dispose of this petition treating it as a representation from him and, the result thereof, shall be communicated to the applicant within a period of 1(one) month from the date of taking decision. If as a result of such decision the applicant is found entitled to get refund of the recovered amount, the said amount shall be paid to him within a period of 2/two) months from the date of taking of such decision. We further direct the respondents to pay interest to the applicant at the rate of ten percent (10%) per annum from August '93 and this interest shall be calculated month-by-month and such interest so calculated shall be paid to him along with principal amount. We further make it clear that if the respondents fail to pay the



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interest along with principal amount to the applicant within the stipulated period as directed by us, the said amount shall have to be paid to him calculating interest at the rate of fifteen percent (15%) per annum from the date of expiry of the period ^{above} fixed till the date of actual payment/made. ^{/to be} No order is passed as regards costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)

P/K/C.