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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of Order: 11.8.95.

O.A. No. 116/1995.

Niranjan Lal

... Applicant.

Versus

Union of India & Ors.

... Respondents.

Mr. Y.K. Sharma, Counsel for the applicant.

Mr. S.S. Vyas-Counsel for the respondents.

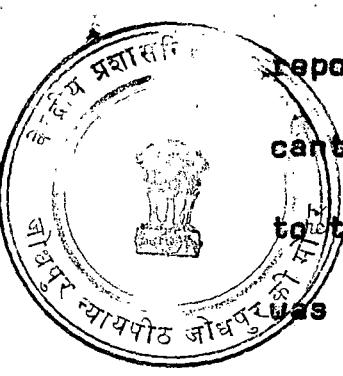
CORAM :

Hon'ble Mr. N.K. Verma, Administrative Member.

BY THE COURT :

Heard learned counsel for the parties.

2. The applicant's case is that an amount of Rs.3426/- has been ordered to be recovered from his pay due to the short credit of this very amount in the Railways accounts of the Station where he was reported to be working as a Booking Clerk. The applicant vide his application dated 5.3.1994 had intimated to the Railways that the short credit of that amount was against the Station in particular and not against him, even when he was working as a Booking Clerk in that Office. Learned counsel for the applicant submits



that this recovery summarily ordered by the Commercial Branch of the Railways is totally illegal and unlawful. Shri S.S.Vyas, learned counsel for the respondents, on the other hand stated that admittedly the applicant had worked as Booking Clerk while a this shortage was detected. This was established by an enquiry conducted by the Commercial Inspector and he was informed that this amount was due from him and accordingly this was ordered to be recovered from his pay.

3. The method adopted by the Railways in recovering the amount summarily from the pay of the applicant seems to be totally irregular. Even if a preliminary inquiry established that the applicant had not credited the full amount of the receipts of a particular Railway Station, the respondents-department was entitled to recover the amount if the applicant voluntarily permits the same from his pay. If the applicant persists in denying his culpability for this short credit, the other alternative available to the department is to initiate a disciplinary inquiry and recover the loss sustained by the Railways as per the Disciplinary Rules in vogue. The respondents are entitled to either

issue a major chargesheet or minor chargesheet depending on the gravity of the lapses of the applicant.

4. The other point made by Shri S.S.Vyas was that the applicant did not exhaust the alternative remedy available to him in the department before approaching this Tribunal. There is force in that contention of Shri S.S.Vyas.

5. In the circumstances, I quash the order at Annex.A/1 dated 8.2.95 in relation to Annexure B/1 dated 9.3.94 regarding recovery from the pay of the applicant.

Department may issue formal show cause notice on the applicant and thereafter, initiate disciplinary proceedings for the said shortage if it feels that the applicant is personally responsible for the short credit. The

applicant shall have all the liberty of answering to this charge and against any proposed recovery as and when that is ordered to at the departmental level.

6. The O.A. is disposed of with the above dissections.

No order as to costs.

N.K.Verma
(N.K.Verma)
Member (Adm.)

cvr/v