

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

15.07.1998

O.A. No, 202/1997

Ashok Rai son of Shri Manohar Lal D Mathur, aged about 32 years resident of 4-A-15 Pratapnagar, Jodhpur, at present employed on the post of PWI Special, Jodhpur, Northern Railway.

... Applicant.

v e r s u s

1. The Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Dy. Chief Engineer (Construction)-II, N.Rly., Jodhpur.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

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

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman,

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Ashok Rai in this application under Section 19 of the Administrative Tribunals Act, 1985, has assailed the order at Annexure A/1 dated 9.6.1997 by which the recovery of Rs. 2000/- per month from his pay is sought to be made.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The applicant while working on the post of Permanent Way Inspector in the Jodhpur Division was asked to verify and give the account of certain issue notes. But the applicant refused to verify the issue notes whereupon the impugned order was passed. It is borne out by a communication dated 19.6.1997 (Annexure R/1) from the Dy. Chief Engineer/C-II, Northern Railway, Jodhpur, that the recovery of Rs. 1000/- in terms of letter dated 27.3.1997 and the recovery of Rs. 2000/- in terms of letter dated 9.6.1997 are again under discussion with Audit and Accounts and at present no recovery has been ordered to

be effected from the pay of the applicant. Learned counsel for the respondents states that if the applicant makes a representation to the concerned authority in regard to his grievance, the same may be considered on merits. The applicant's counsel now is willing to make a representation to the concerned authority.

4. In the circumstances, the present O.A. is disposed of at the stage of admission with the consent of parties with a direction to the respondent No. 2 to take a decision on the representation of the applicant meeting all the points raised therein within a period of three months from the date of receipt of the representation of the applicant, who is directed to make the same to the respondent No. 2 within a month from the date of this order. However, no recovery shall be effected from the pay of the applicant in the light of the communication dated 19.6.1997 referred to above till the decision is taken on the representation of the applicant. If the applicant is aggrieved by the decision taken on the representation, he may file a fresh O.A. No order as to costs.

Gopal Singh

(Gopal Singh)
Adm. Member

Gopal Krishna
(Gopal Krishna)
Vice Chairman

cvr.

Recd
S/
17.7.88

Part II and III destroyed
in my presence on 29.3.06
under the supervision of
Section Officer (Record) as per
order dated 28.12.2006

Section Officer (Record)

R/Copy
M21171AB
33000000