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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 239/2004

DATE OF DECISION: 01.10.2004

CORAM:

HON'BLE MR. M.K. MISRA, ADMINISTRATIVE MEMBER

Sushil Chandra Chaturvedi son of Shri Tara Chand Chaturvedi, aged 64 years, by caste Brahmin, resident of 15, Vijay Colony, Near Railway Station, Chittorgarh (Raj.)

(Retd. Senior Clerk from Deputy Chief Engineer (S&G), Western Railway, Kota (Raj.).

...Applicant.

(By Advocate Mr. Rajesh Joshi, for applicant)

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1. The Union of India through the General Manager, Western Railway, Mumbai.
2. Deputy Chief Engineer (Construction), West-Central Railway, Kota Junction, Kota (Rajasthan).
3. FA & CAO (Pension), FA & CAO's Office, Churchgate, Mumbai – 400020.

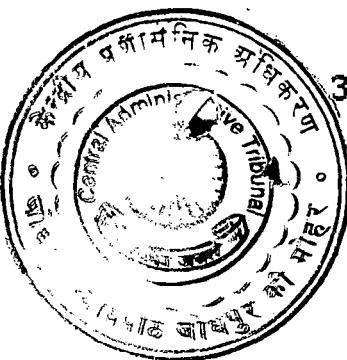
...Respondents.

ORDER (ORAL)

The applicant, Shri Sushil Chandra Chaturvedi, who retired from the Railway Department on 30.09.2000 filed this Original Application against the impugned order dated 17.08.2004 whereby recovery on account of alleged loss was ordered from pension relief including Dearness Pension (D.P.).

2. Shri Rajesh Joshi, the learned counsel for the applicant submitted that the applicant has already been punished by way of reduction in pay scale vide order dated 05.01.2000 (Annexure

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A/6) against which the applicant had gone before the Jaipur Bench of the Tribunal for adjudication. After retirement, the applicant is at present residing at Chittorgarh, therefore, the Jodhpur Bench of the Tribunal is having jurisdiction over the applicant.

3. The learned counsel for the applicant also submitted that the applicant cannot be punished twice for the same offence because it is constitutionally wrong to punish twice for the same offence.



I have considered the above averments made by the learned counsel for the applicant and also perused the records. It is noticed that the recovery notices dated 28.05.2004, 07.06.2004 and 08.07.2004 were sent to the applicant by the respondents. An amount of Rs. 1,74,878/- being the gratuity was already adjusted and the balance amount of Rs. 4,76,359/- was alleged still to be recovered from the applicant and for that purpose the above notices were sent to the applicant.

5. It is also noticed that the recovery is proposed to be made from the pension relief including D.P. The railway department also brought to the notice of the applicant that in case of failure in making the payment of Rs. 4,76,359/-, the railway would be compelled to file money suit against the applicant in the court. It is observed that against these notices, the applicant did not make any representation before the competent authority,

(Signature)

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therefore, he did not exhaust all the remedies available to him.

Thus, in view of the above discussion, the O.A is not maintainable. However, the applicant is at liberty to represent his case before the competent authority against the above notices and thereafter in case of any cause for grievance, he is at liberty to seek redressal from the appropriate forum. The Original Application is disposed of accordingly. No order as to costs.


(M.K. MISRA)
Administrative Member

Kumawat

Regd. A.D. copy of order
with petition copy send

for R1 to R3 in case
253 to 255 of 5-10-04

High Court
6/10/04

for 1, ^{executed}
& for 263 served

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Part II and III destroyed
in my presence on 30.10.2013
under the supervision of
section officer (1) as per
order dated 18.10.2013

S.R. Shrivastava
Section officer (Record) 30.10.2013