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## **CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH, JODHPUR**



Original Application No. 292/2004  
Date of Decision : this the **13<sup>th</sup> day of September, 2005**

**CORAM :**

**Hon'ble Mr.G.R. Patwardhan  
Administrative Member**

Sushil Chandra Chaturvedi S/o 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.  
(Mr. Rajesh Joshi, Advocate, for applicant)

Versus

1. The Union of India through the General Manager, Western Railway, Mumbai.
2. Deputy Chief Engineer (Construction)  
West Central Railway, Kota Junction, Kota (Raj).
3. FA & CAO (Pension),  
FA & CAO's Office,  
Churchgate, Mumbai – 400 020

.....Respondents.  
(By Mr. K.K.Vyas, Advocate, for the respondents)

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**ORDER**  
**[BY THE COURT]**

The applicant Mr. S.C. Chaturbvedi, has come up in this O.A. filed on 5<sup>th</sup> November, 2004 against four orders – all passed in May, June, July and August, 2004 by the respondents – Officers of West Central Railway. The subject involves examining the legality of recovery of about Rs. 1.74 Lakhs from the Gratuity of the applicant after his retirement.

2. *Draft*

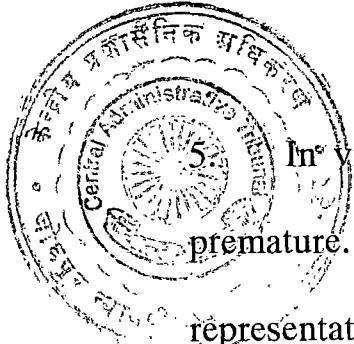
2. Laying the arguments have been heard on behalf of the applicant as well as the respondents.



However, it appears that the applicant had moved O.A. No. 239/2004 in this Tribunal which was disposed of on 1<sup>st</sup> October, 2004 by which it was held that the issue of recovery of certain amounts (Rs. 1.74 Lakhs approx. from the gratuity) was premature to be considered in O.A. as the applicant had not taken recourse to available remedies and he was given liberty to represent his case before the competent authority. From paragraph 4(XIII) of the OA., it appears that in pursuance of that observation in the O.A., the applicant moved the respondents only on 21<sup>st</sup> October, 2004 and within a month of the same, filed this O.A. on 5<sup>th</sup> November, 2004. Unfortunately, this averment has got no response in the reply filed by the respondents.

*→ Re*

4. It also appears that another O.A. is pending in the Jaipur Bench of the Tribunal relating to the dismissal of the applicant from service.



In view of what has been described above, even this O.A. appears to be premature. The applicant may remind the authorities to whom he has made the representation and only after its disposal, approach the Tribunal if so advised at the appropriate time. The O.A. is disposed of.

SP  
(G.R. Patwardhan)  
Administrative Member

jrm

1/ copy  
KLC v ADA  
16/9/05

Copy of order  
Sent to Counsel  
for Pet by speed  
Post Regd AD

Vide no. 292 dt 21-1-05

DL

Copy II and III destroyed  
in my presence on 17-1-04  
under the supervision of  
Section Officer (1) as per  
order dated 18/12/03

Section Officer (Record)

DL