

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 452 of 1993.

DATE OF DECISION 16.03.1993

V.M. Bhaskaran Applicant (s)

M/s M.R. Rajendran Nair & P.V. Asha Advocate for the Applicant (s)

Versus

The Chief Engineer, Southern Railway, Madras and others Respondent (s)

Mr. Thomas Mathew Nellimootil Advocate for the Respondent (s)
(Railway counsel)

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V. Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Hon'ble Mr. A.V. Haridasan)

The applicant an Executive Engineer under the Southern Railway is aggrieved by the proceedings initiated by the second respondent for recovery of certain amount from the pay of the applicant commencing from the month of March, 1993 onwards. The applicant alleges that on account of some audit objections about the stocks in the custody of the applicant during the period 1977-78 the respondents quantified the amount of shortage at Rs.10,052/- and started recovery of the amount in instalments ~~xxx~~ which was stopped in August, 1983. His present grievance is that in the year 1989 the

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respondents took further steps for recovery of the balance amount to which he objected explaining that there was really no shortage and even if there was shortage it would not amount to what is stated in the proceedings. The respondents, it appears, rejected his contention and ordered recovery of the entire amount from the salary of the applicant @Rs.420/- per month.

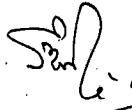
2. The applicant submitted an appeal to the Chief Engineer, Madras on 12.12.90 against the fixation of the quantum of loss as also against the recovery. This appeal has not so far been disposed of. In the meanwhile the second respondent under order dated 16.3.92 at Annexure.A.3 initiated proceedings for recovery. Immediately thereafter the applicant submitted another representation dated 30.3.92 to the Chief Engineer, which also remains to be disposed of. While so the impugned order at Annexure.A.5 dated 3.3.93 has been issued directing the recovery from the salary of the applicant commencing from the next month onwards. It is in these circumstances, ^{that} the applicant has filed this application praying that it may be declared that he is not liable ~~xxxx~~ for any amount towards the alleged shortage and for a direction not to make any recovery from his salary and also for a direction to refund whatever amount has been recovered earlier from his salary.

3. When the application came up for admission

the learned counsel on either side submitted that the application can be disposed of at this stage giving appropriate direction in regard to the disposal of the applicant's representation.

4. In view of the above submission by the counsel at the Bar we admit this application and dispose it off directing the first respondent to dispose of the applicant's appeal at Annexure.A2 dated 12.12.1990 in accordance with law, within a period of two months from the date of receipt of a copy of this judgment and to give the applicant a speaking order within the aforesaid period. We further direct that till a decision on his appeal is taken and communicated ^{to the applicant} ~~by~~ ^{by} the first respondent recovery on the basis of the impugned orders at Annexures A.3 and A.5 shall be kept in abeyance. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


16.3.93.
(S.P. MUKERJI)
VICE CHAIRMAN

16.3.93

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