

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.498/2008

Dated the 26th day of August, 2008.

CORAM :

HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER

HON'BLE MS.K.NOORJEHAN, ADMINISTRATIVE MEMBER

K Balasubramanian,
Loco Pilot Passenger,
Southern Railway, Coonoor.
Residing at 2/217, Samaiyan Nagar,
Opposite Canara Bank, LMW Pirivu,
Periyanaickan Palayam, Coimbatore ... Applicant

By Advocate Mr.T.A.Rajan

V/s

- 1 Union of India represented by
The General Manager,
Southern Railway, Chennai-3.
- 2 Divisional Railway Manager,
Southern Railway, Palakkad
- 3 The Senior Divisional Personnel Officer,
Southern Railway, Palghat ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil
for Mr.K.M.Anthru.

This application having been heard on 26th August, 2008, the Tribunal on the same day delivered the following

(ORDER)

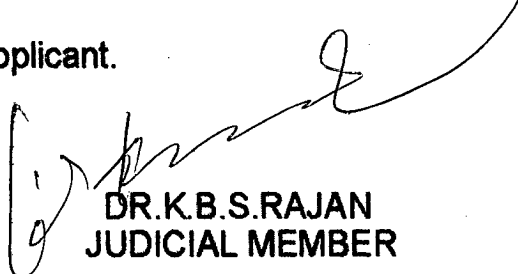
Hon'ble Dr.K.B.S.Rajan, Judicial Member

The applicant earlier approached this Tribunal in OA 103/08 challenging the proposed action of the respondents to recover a sum of Rs.6643/- as alleged overpayment. The Tribunal permitted the applicant to make a representation vide order dated 22.2.2008. Accordingly, the



applicant made the Annexure A-5 representation dated 6.3.2008. In response to the aforesaid representation of the applicant, the Annexure A-9 impugned order dated 14.7.2008 has been passed by the respondents. As per the impugned order, the alleged over payment of Over time allowance has been arrived at a stupendous Rs.3,97,577/-. Obviously, at the time of earlier recovery proposed to be made, no detailed statement was given, which has now been given by the respondents. In any event, since these details were not available in advance to the applicant, he is entitled to prior notice so that he could have made an effective representation. This not having been done, the order dated 14.7.2008, could be taken as a show cause notice and the applicant should be permitted to make a representation against the same. As the applicant has filed this OA challenging the recovery giving the grounds thereof, at the request of counsel for applicant, the entire OA including the grounds raised in this OA be taken as representation by the applicant to the respondents and we direct the respondents to dispose of the representation in accordance with law within a period of two months from the date of communication of this order. We have not expressed any view over the merit of the matter. OA is disposed of in above terms. Till such time, the representation is disposed of, no recovery shall be made from the applicant.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


DR.K.B.S.RAJAN
JUDICIAL MEMBER

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