

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....
O.A. 575/92

Tuesday, the fourteenth day of December, 1993.

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

K.S. Natarajan
Sr. Catering Inspector
Kerala Express, Southern Railway
Trivandrum Division

Applicant

By Advocate Mr. P. Santhosh Kumar

vs.

1. Union of India represented by the General Manager, Southern Railway Madras
2. The Chief Personnel Officer Southern Railway, Madras
3. The Chief Commercial Supdt. Catering Section, Southern Railway Madras
4. The Labour Enforcement Officer (Central) Office the Regional Labour Commissioner (Central), Kalathiparambil Road, Kochi-16

Respondents

By Advocate Mr. M. C. Cherian for R 1-3
Mr. C. Kochunni Nair, SC&SC for R-4

ORDER

N. DHARMADAN

Applicant, who is a retired Sr. Catering Inspector of the Railway, claims the refund of Rs. 4,797.75 stated to have been recovered from his salary during the year 1986-88 before his retirement.

2. According to the applicant while he was working in the Kerala Express some articles were found missing and he reported the matter to the concerned authorities. According to him, the value of the articles amounting to Rs. 4,797.75 has been recovered from the applicant. He further submitted that the same amount was also recovered from other employees who were working in the Kerala Express at the relevant time. Hence, he is entitled to the refund of the amount. He filed

original application before the Madras Bench of the Tribunal. It was closed by Annexure-A. order indicating that the applicant's remedy if any is to approach the Labour Enforcement Officer, Central, Ernakulam under the payment of wages Act. Later, he received Annexure-B communication from the Labour Enforcement Officer(Central) Kochi which reads as follows:

" you are requested to inform this office whether you have received refund of the amount due to you which was reported to have been illegally deducted from your salary. If the amount is still not refunded, you are advised to approach the appropriate forum for the realisation of the amount from the Railway Administration."

3. On the basis of Annexure-B communication, the applicant has sent Annexure-C Lawyer's notice to the second respondent. The same has not been answered so far by giving a reply to him.

4. In the reply, the respondents have denied the liability and contended that when the shortage of materials was found the applicant virtually admitted the liability. Hence, the amount of Rs. 4,797.75 has been recovered from his salary in easy instalments from July, 1986 to February, 1988 till his retirement. In this view of the matter, the original application is to be dismissed. But they have not given any explanation regarding Annexure-B.

5. We have heard learned counsel for R-4 also. The fourth respondent has not filed any reply in this case; but he produced the files and submitted that he has not conducted any enquiry in this behalf before issuing Annexure-B and he was not sure whether the amount was refundable to the applicant or not at the time when Ann. B was issued.

6. Since the entire matter is pending before the second respondent, we are not finally expressing our view. It is for the second respondent to conduct a thorough enquiry and dispose of Annexure-C Lawyer's notice in accordance with law.

7. In this view of the matter, we are satisfied that the application can be disposed of directing the second respondent to conduct an enquiry and dispose of the notice filed by the applicant through his counsel, as expeditiously as possible, at least within three months from the date of receipt of the copy of this order.

8. The application is disposed of as indicated above.

9. There shall be no order as to costs.

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(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

N. Dharmadhan
14.12.93

(N. DHARMADAN)
MEMBER (JUDICIAL)

14.12.93