

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 171/1997

Thursday this the 20th day of February, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.K.Thankappan,
Khalasi Helper,
Carriage & Wagon Depot,
Southern Railway residing at
Valavuthadam House,
Elamakkara PO. Applicant

(By Advocate Mr. PC Sebastian for CSAjith Prakash)

Vs.

1. The Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum.
2. The Divisional Railway Manager, Southern Railway, Thiruvananthapuram.
3. The Chief Executive, Southern Railway Co-operative Society Ltd. Thiruchirappally. Respondents

(By Advocate Mr. James J Nedumpara for Mathews J Nedumpara)

The application having been heard on 20.2.1997, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that the first respondent had deducted Rs.358/- from his pay and allowances for three months for no reason and that despite his request to have the amount refunded, respondents have not so far done so. Therefore, the applicant has filed this application for a direction

contd...

to the 1st and 2nd respondents to refund the amount unauthorisedly deducted from the salary of the applicant for the months of February 1996 to April, 1996 with interest at the rate of 18 % (eighteen percent) per annum and to award the costs of this application.

2. The respondents have not filed any reply but from Annexure, 2 letter written by the first respondent it is evident that a sum of Rs.358/- per month for the period between February, 1996 and April, 1996 has been erroneously deducted from the salary of the applicant while in fact the deduction should have been made from the salary of Mr. Thilakan. Since the first respondent himself had admitted that the deduction from the salary of the applicant was without authority and by mistake, the respondents have to make good the amount to the applicant.

3. As the issue involved is very simple, the counsel appearing on either side submitted that this application may be finally disposed of at the admission stage itself without a reply being filed.

4. In view of what is stated in A2 the scope of controversy has narrowed down to practically nil. It is conceded by the respondents that Rs.358/- for the period between February 1996 and April, 1996 have been wrongly deducted from the pay and allowances of the applicant. The applicant has been requesting the respondents to have the amount refunded for the last many months. It is

contd...

✓

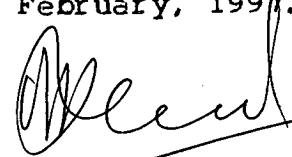
-: 3 :-

finding that the respondents did not do that, the applicant was constrained to approach this Tribunal with this application spending hard earned money.

5. In the result and in the light of what is stated above, the application is allowed and respondents are directed to pay to the applicant the amount deducted from his pay for the period between February, 1996 and April, 1996 with interest at twelve percent per annum. Respondents 1&2 shall also pay to the applicant a sum of Rs.500/- as costs. Payment as aforesaid shall be made within a period of one month from the date of receipt of a copy of this order.

Dated the 20th day of February, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

ks.

LIST OF ANNEXURE

1. Annexure A2: A copy of the letter No.V/P/483/M/E dated 5.7.1996 to the Chief Executive, Southern Railway Co-operative Credit Society, Thiruchirapally from the 1st respondent.

• • •