

Central Administrative Tribunal Lucknow Bench Lucknow.

Original Application No: 385/2009

This, the 1st day of October, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Om Pratap aged about 41 years son of late Kalloo resident of Mohalla Dakkhin Tola, Post Banki District Baranabki.

Applicant.

By Advocate Sri M. A. Siddqui.

Versus

1. Union of India through the General Manager, N.E. Railway Gorakhpur.
2. The ADRM, N.E. Railway, Ashok Marg, Lucknow.
3. The ATEN, DRM Office, N.E. Railway, Lucknow.
4. Section Engineer (Works) Bandariya Bagh, Lucknow.
5. Senior Divisional Engineer (Samanya) N.E. Railway, Lucknow.
6. Senior D.F.M. N. E. Railway, Lucknow.
7. Upper District Magistrate, (Civil Supply) Prabhari Adhikari (Traffic) on Election Duty Lok Sabha Election, Lucknow.
8. Chief Election Commissioner U.P. Lucknow.

Respondents.

By Advocate Sri N.K. Agarwal

Order (Oral)

By Hon'ble Ms. Sadhna Srivastava, Member (J)

The applicant is aggrieved by order dated 25.8.2009 issued by the Additional Town Engineer, N.E. Railway Lucknow whereby the recovery of Rs. 57,810/- has been ordered from the salary of the applicant. Aggrieved by the aforesaid order, the applicant filed representation dated 27th August 2009, which is still pending.

2. The facts of the case are that during Lok Sabha Election 2009, the applicant was deputed as Zeep Driver for election duty. He remained on election duty w.e.f. 16.4.2009 to 14.5.2009. He claimed Over Time allowance which has already been granted to the applicant. Thereafter, by the impugned order, the respondents ordered for recovery of said over time allowance amounting to Rs. 57,810/- in ten installments from the salary of the applicant. The applicant's counsel submits that the recovery has been ordered without giving

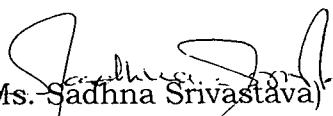


any notice and opportunity to the applicant. The Annexure A-5 also shows that the matter is still pending for verification before the Additional District Magistrate (Civil Supplies) Lucknow.

3. Sri N.K. Agarwal, counsel for the respondents submits that he has not received any instructions. Therefore, he is unable to say that whether the impugned order has been passed without giving any opportunity to the applicant.

4. Since the representation of the applicant is still pending, therefore, I am of the opinion that the O.A. can be disposed of at the admission stage by giving a direction to the respondent No. 2 to treat this O.A. as representation and decide the same in accordance with rules by passing a reasoned and speaking order within a period of two weeks. Till then no recovery be made from the salary of the applicant.

5. Accordingly, the O.A. is disposed of without any order as to costs.


(Ms. Sadhna Srivastava) M.A.
Member (J)

Vidya