

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

P.A. No. 19/90

(C.S.No. 21/84)

Kamla Pati Pandey

Petitioner/plaintiff

versus

Union of India & Others

Respondents/defendants

Shri Prashant Mathur, Counsel for Respondents.

Hon. Mr. Justice U.C. Privastava, J.C.

The case is ripe for hearing and is being disposed of finally.

2. This transferred application arises out of S it filed by the applicant/plaintiff before the Court of Civil Judge, Lucknow Khet praying that the defendants be restrained by a decree of permanent injunction from making any recovery from the plaintiff and imposing any liability and a decree for Rs 300/- be passed in favour of the plaintiff and against the defendants for sum already recovered.

3. The applicant was working as Booking Clerk at N.E. Railway and was also looking the duties to book the live stock which included Pigs also. According to the applicant he was charging the rate at the old rates and there was no information that the old rates were ^{not} applicable with effect from 1.6.81 and the new rates were applicable from this date. ^{and that} ~~According to the applicant~~ it was the duty of Railway Administration to send

the revised rates but no such information was given to the plaintiff/applicant at Mailani Railway Station. It was on 15.11.83 an information was received by the applicant vide letter dated 27.10.83 that an amount of Rs. 20,875/- was recoverable from the applicant's pay. According to the applicant, under the provisions of Indian Railway Commercial Manual Volume F Rules 115 to 119 responsibility of any under charge, is on the station master and supervisor in charge of the Booking, and as such the applicant was not responsible ^{for the alleged under charge}. He made representation to the Railway Administration ^{ordered to be} and the recovery was made without calling for the explanation of the plaintiff.

4. The respondents resisted the claim of the plaintiff and filed the written statement and it has been stated that the Indian Railway Commercial Manual it has been provided that all staff members of the Commercial branch should be acquainted with the relevant rules and new rates were published in the monthly Gazette of N.E.R. and the circulars were distributed along with other circulars at Mailani section and at Mailani station itself and it is not correct to say that there was no information regarding the revised rates and the applicant has wrongly and negligently charged the old rates. He is responsible for the loss and that is why recovery was rightly made from him. The applicant was acting as booking clerk and under

para 104 of the Indian Railway Commercial Manual all members of the commercial staff must make themselves fully conversant with the rules and regulations and Manuals/Circulars issued from time to time.

3. In his replication the applicant stated that no direct intimation is sent to the Booking clerk as provided under the Railway Commercial Manual. The notification etc. if any are received by the Station Master and such communication are given to the applicants by the Station Master. It was the duty of the Station Master to send the same to the plaintiffs as such he was not responsible.

4. It is clear that the rates were revised in 1981 and as such it can be safely presumed that the circulars were issued and they were sent to the Station Master and it cannot be accepted that the applicant was not aware of the same and because of the negligence of the applicant, Government suffered a lot and so the amount was recovered from him. Application deserves to be dismissed and the same is dismissed with the observation that the defendants may recover the amount from the D.C.R.G. of the applicant after giving one hearing to him, in case the same has not been done. No order as to costs.

Lucknow: Dated: 9.11.92.

U. S. Jais
Vice Chairman.