

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No.250/2003

This the 9th day of September, 2005

HON'BLE SHRI SHANKER RJAU, MEMBER (J)

C. Wasley aged abot 61 years d/o Sanu Nasley resident of K-340, Aashiana ,
Kanpur Road, Lucknow.

Applicant

By Advocate: Sri Hari Ram

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow.

... Respondents

By Advocate: Shri Shailendra Srivastava for Sri Azmal Khan

ORDER (ORAL)

By Hon'ble Shri Shanker Raju, Member (J)

Heard the counsel.

It is not disputed that before effecting the recovery from the retiral benefits of the applicant, he has not been afforded reasonable opportunity which is against the law laid down by the apex court in **Chandreshwar Prasad Sinha Vs. State of Bihar 2002 SCC (L&S) 200**. In this view of the matter, O.A. is allowed with a direction to the respondents to refund the recovered amount to the applicant within a period of one month from the date of receipt of copy of this order and if so advised, they shall be at liberty to take the proceedings in accordance with law. With the above directions, O.A. is disposed of. No costs.

S. Raju

(Shanker Raju)
Member (J)

HLS/-