

(a)

**Central Administrative Tribunal Lucknow Bench Lucknow.**

**O.A. NO. 134/2008**

**This the 17<sup>th</sup> day of April 2008.**

**Hon'ble Mr. Justice Khem Karan, Vice Chairman.**

Mangal Prasad, son of late Sri Lochan aged about 51 years resident of village Lala Khera, Post Officer Nawabganj District Unnao. Working as Commercial Supervisor at Sitapur Station of North Eastern Railway under Station Superintendent North Eastern Railway Sitapur.

Applicant.

By Advocate: Shri K.P. Srivastava.

**Versus**

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway Lucknow.
3. Divisional Commercial Manager, North Eastern Railway Lucknow.
4. Assistant Commercial Manager, North Eastern Railway, Lucknow.
5. Station Superintendent, North Eastern Railway, Sitapur.

Respondents.

By Advocate: Shri S. Lavania.

**Order (Oral)**

**By Hon. Mr. Justice Khem Karan, Vice Chairman.**

Applicant has prayed for quashing the order dated 6.2.2008 (Annexure A-6) asking him to show cause as to why an amount of Rs. 73,494/- should not be recovered from him.

2. It appears that while working as Booking Clerk in January 2002 at Lucknow Junction of North Eastern Railway, there were some discrepancies in the amounts. There is material on record to reveal that some inquiry was also made. Applicant had also put his version. It is not known as to whether those were formal disciplinary proceedings or otherwise. The impugned order dated 6.2.2008 is actually a notice asking the applicant to reply within a period of 15 days as to why the amount of Rs. 73,494/- should not be recovered from him.



Instead of giving any reply to the notice, he has rushed to this Tribunal. I think, the better course for the applicant is to make representation or give reply in the context of said notice dated 6.2.2008 and it will be for the authority concerned namely, Assistant Commercial Manager, North Eastern Railway Lucknow to consider and pass an order in accordance with rules, within time to be so given by this Tribunal.

3. So the O.A. is finally disposed of with a provision that in case the applicant submits a self contained representation within a period of 15 days from today, together with the copy of this order, the Respondent No. 4, will consider the same and pass a reasoned order within a period of one month ~~hereafter~~.   
~~Thereafter~~, <sup>In</sup> case, the applicant remains aggrieved, even after the disposal of the representation, he may pursue a remedy available in law. No order as to costs.

*JMC*  
17.4.08  
Vice Chairman