

Reserved

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 143/10

This, the 5th day of April, 2013

Hon'ble Mr. Navneet Kumar, Member (J)

Tribhuwan Nath (T.N) sharma aged about 68 years s/o Late Bishwanath Sharma retired from the post of Assistant Station Master from Northern Railway station Kurebhar, under the respondents and resident of house no. 1539, Barihaia Bir City and Distt. Sultanpur.

Applicant

By Advocate: Sri A. C. Mishra.

Versus

1. The Union of India through the General Manager, Northern Railway, Head Quarter Office, Baroda House, New Delhi.
2. The Divisional Railway Manager Northern Railway Lucknow.
3. The Divisional Railway Manager, North Eastern Railway Iset Nagar, Distt. Bareilly.

Respondents

By Advocate Sri Praveen Kumar for Sri M. K. Singh.

(Reserved On 1.4.13)

Order

By Hon'ble Mr. Navneet Kumar, Member (J)

The present O.A. has been preferred by the applicant under Section 19 of the Central Administrative Tribunal Act, 1985 with the following reliefs:-

(i) That the Hon'ble Tribunal may graciously be pleased to direct the respondent No. 3 to refund of applicant security money Rs. 300/- already recovered from his salary @ 30 per month and the said amount remained with the respondent No. 3 from August 1963 till today as a matured Indira Vikas Patra doubled of the every five years and again of the every seven and half years or with compound interest @ 10% pr annum which is more as the said security money was not refunded after filing counter reply in the said complaint No. 73/07 and said that it is the service matter and not maintainable at the Distt. Consumer Protection Forum.

(ii) That the Hon'ble Tribunal may further be pleased to direct the respondent No. 2 to depute and inspector contact the respondent No. 3 and his

concern parties to make refund of the security money as prayed for above.

(iii) That Hon'ble Tribunal may also be pleased to direct the respondent No. 2 that in case the inspector so deputed finds that a security money of Rs. 300/- was not invested in the Indira Vikas Patra although it must have been invested as per rules, compound interest @ 10% per annum w.e.f. August 1966 to the date of payment be made to the applicant.

(iv) That any other relief as deemed fit in the eye of Hon'ble Tribunal including heavy cost against the respondent may also kind be allowed for dragging the applicant into litigation."

2. The brief facts of the case are that the applicant who was working with the respondents organization and was initially appointed by the Railway Recruitment Board for the post of Assistant Station Master and after passing the requisite training, he was posted under the respondent No. 3. As stated by the applicant that he has deposited Rs. 30/- per month for a period of 10 months as security money w.e.f. October 1965 till July 1966 and the said amount remained with the respondents organization till his retirement i.e. 31.5.1997. the said amount which remained with the respondents was in the form of Indira Vikas Patra to be doubled after every five years. Now the applicant claims that since he has already retired from service, as such, such amount may be refunded back to him.

3. The learned counsel appearing on behalf of the respondents filed their preliminary objection and no reply was filed by the respondents. The respondents through preliminary objection, has not taken any ground on merit except the ground of limitation.

4. The learned counsel for the applicant has filed the reply to the preliminary objection and has also filed certain documents, by means of which, the applicant pointed out that he has already made a representation to the authorities for considering his case for refund of the aforesaid security amount.

5. Heard the counsel for the parties and perused the record.

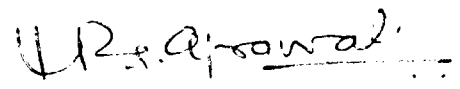
6. Admittedly, the applicant was initially appointed in the respondents organization and retired on 31.5.97. It is also to

be pointed out that the applicant joined the respondents organization and was posted as Assistant Station Master in 15.9.65 against the clear substantive vacancy and continued till his retirement.

7. The claim of the applicant in regard to the refund of the security amount which he is said to have deposited for a period of 10 months @ Rs. 30 per month and the said amount is Rs. 300/- which has claimed by the applicant was in the form of Indira Vikas Patra to be doubled after every five years. The learned counsel for the applicant fail to indicate any particular in regard to depositing of such amount with the respondents organization. Only he has annexed an order passed by the District Forum as well as few representations for the refund of the said security amount. The learned counsel for the applicant also failed to indicate as to for what period the aforesaid security amount was kept with the respondents. As such, the applicant fail to demonstrate his case. It is also to be pointed out that the applicant who joined the services in the year 1965 and retired in 1997, he has not even agitate once for the refund of the aforesaid amount.

8. Accordingly, in the absence of any material available on record, I am of the view that nothing can be adjudicated in the present O.A.. As such, the O.A is fit to be dismissed.

9. Accordingly, the O.A. is dismissed. No order as to costs.


(Navneet Kumar)
Member (J)

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