

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PATNA BENCH : PATNA

Date of Decision:- 28/10/1996

Registration No. OA-332 of 1996

Raj Nath Prasad, Son of Late Laxmi Narain Prasad,  
resident of Village Phulwaria, P.S. Barauni, District  
Begusarai, retired from the Post of Chief Travelling  
Ticket Inspector at Narkatiaganj

... Applicant

- By Shri M.P.Dixit, Advocate &  
- Shri J.K.Karn  
Versus

1. The Union of India, through the G.M., N.E.Railway,  
Gorakhpur.
2. The Divisional Rail Manager, Samastipur
3. The Sr. Divisional Accounts Officer, N.E.Railway,  
Samastipur.
4. The Divisional Commercial Manager, N.E.Railway,  
Samastipur.
5. The Divisional Rail Manager, Personnel, N.E.  
Railway, Samastipur.
6. The Sr. D.P.O., N.E.Railway, Samastipur

.. Respondents

- By Shri P.K.Verma, Advocate

Coram:- Hon'ble Shri L.R.K. Prasad, Member (A)  
Hon'ble Shri Lakshman Jha, Member (J)

ORDER

Hon'ble Shri Lakshman Jha, Member (Judicial):-

1. The applicant retired on superannuation from  
Railway Services as Chief Travelling Ticket Inspector  
with effect from 31.10.95. He was paid his retiral dues

except gratuity amount of Rs.66,961/- vide sanction order of the DRM(P), N.E.Railway, Samastipur (Respondent No.5) as at Annexure-A/1. It is stated that there is no ~~either~~ criminal case or departmental proceeding pending against him. Therefore, the withholding of the amount of gratuity is arbitrary and illegal.

2. The Respondents Railways in their counter have stated that the applicant did not account for a large number of excess fare ticket issued to him from Samastipur vide EFT No.830400 to 830449 dated 30.4.84 and EFT Nos. 834950 to 834999 dated 9.6.84. Thus, the admitted commercial dues having not been accounted for by him, the commercial department has not issued clearance certificate. Therefore, the aforesaid amount of DCRG is held up. The applicant also did not submit his representation to the proper authority and the representation as at Annexure-A/2, is manipulated one.

3. In the Rejoinder to the W.S. the applicant disclosed that he had lodged an F.I.R. on 27.6.84 at Samastipur GRP, as at Annexure-A/1, alleging theft of his bag containing the aforesaid unused EFT. He accounted for the aforesaid EFTs as per details as <sup>at</sup> Annexure-A/2, to Rejoinder, and had also, submitted the monthly money receipts of the EFTs to the Chief Travelling Ticket Inspector with a copy to DRM (Commercial), Samastipur. He also submitted several representations with request for clearance of his Retiral dues. The Respondents Railways did not take any action in respect of the aforesaid dues for long 15 years and illegally held up the gratuity amount.

4. Heard the learned counsel of both the sides and perused the record.

5. It appears from the averments in the W.S. filed on behalf of the Respondents Railways that

the applicant was issued Excess Fare Tickets Nos. 830400 to 830449 on 30.4.84, and EFTs Nos. 834950 to 834999 on 9.6.84 from Samastipur. The gratuity amount of the applicant is held up as he <sup>did not</sup> account for the aforesaid ~~Excess Fare~~ Tickets which had been issued to him. Therefore, the Commercial Department of the Respondents Railways did not issue clearance certificate. The applicant has filed Annexure-A/2, with the rejoinder giving detail account of the EFTs issued to him. It is the stand of the applicant that he had lodged an F.I.R. alleging theft of his bag containing the aforesaid EFTs, with GRP, Samastipur. He had also rendered monthly account of the receipts against the aforesaid EFTs to the Chief Ticket Inspector with a copy to the DRM, Samastipur. It may be pointed out that the Respondents Railways have not disclosed the valuation of the aforesaid EFTs issued to the applicant. The account as given by the applicant, vide Annexure-A/2 is not disputed. It appears from Annexure-A/2, that the valuation of the aforesaid EFTs issued to the applicant was roughly about Rs. 1000/- The Respondents Railways could have maximum deducted the valuation of EFTs issued to the applicant at the rate chargeable from the issuing station/point to the terminal point, which had not been accounted for, from the gratuity amount and the rest should have been paid on due date. The alleged theft of EFTs took place in the year 1984, and both the parties setp over the matter for these long years.

6. In the aforesaid facts and circumstances of the case, we are of the considered view that the applicant is entitled to the payment of gratuity amount after deducting the valuation of the EFTs, admittedly issued to him as per account as at Annexure-A/2, to the rejoinder. Accordingly, the Respondents Railways are directed to

4.

fix up valuation of EFTs, admittedly issued to the applicant and to make payment of gratuity amount after deducting the same with interest at the rate of 10% per annum from due date till the payment is made. The aforesaid exercises shall be completed within four months from the date of receipt of a copy of this order. The applicant shall be at liberty to challenge the valuation of EFT, if aggrieved by such valuation as fixed by the Respondents Railways. No costs.

SKS

*Lakshman Jha*  
28.4.2000  
( Lakshman Jha )  
Member (J)

*L.R.K. Prasad*  
28.4.2000  
( L.R.K. Prasad )  
Member (A)