

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A. No. 362 of 06

Date of order : 30.1.2009.

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Chandradip Ram, s/o Late Hardeo Ram, r/o village Sabalpur [Harijan Tola],
Sonepur, Saran, Ex Sr. Technician, [C&W], E.C. Railway, Barauni Junction,
District – Begusarai.

....Applicant

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India through the General Manager, E.C. Railway, Hajipur.
2. The Divisional Railway Manager, E.C. Railway, Sonepur.
3. The Sr. Divisional Personnel Officer, E.C. Railway, Sonepur.
4. The Sr. Divisional Accounts Officer, E.C. Railway, Sonepur.
5. The Sr. D.M.E., E.C. Railway, Sonepur.
6. The Assistant Personnel Officer, E.C. Railway, Sonepur.

....Respondents

By Advocate : Shri A.Haider

ORDER

S. Srivastava, M (J):-

The applicant is aggrieved with the action of the respondents proposing to recover Rs. 1,76,700/- from the DCRG. He is further aggrieved with the order of reduction of his pay from Rs. 6950/- to 6500/- on the eve of retirement and the consequent loss suffered by him in pensionary benefits.

2. The facts are that the applicant retired from the post of Master Craftsman, E.C. Railway on 31.01.06. During his service period, he availed leave without pay for 1371 days and leave on half pay for 321 days. This leave period



was not accounted for while making payment of salary. The leave so taken also affected his increments. It was also not taken into account. The department vide letter dated 28.8.01 decided to recover the excess payment. After due information to the applicant, Rs. 3033/- per month was deducted from his salary with effect from November, 2001 to January, 2005. A sum of Rs. 5000/- ^{per month} was recovered with effect from December, 05 to January, 06. Thus, the total amount of Rs. 1,25,254/- was recovered from the monthly salary of the applicant before his retirement on 31.1.06. The total amount to be recovered, according to the respondents, worked out to Rs. 301954/-. Therefore, the balance amount of Rs. 1,76,700/- was proposed to be recovered from DCRG. As a consequence of availing leave without pay, the date of increment was shifted and his pay was fixed at Rs. 6500/- , instead of Rs. 6950/-. Hence this OA.

3. Heard learned counsel for the parties and carefully perused the record.

4. From the narration of facts as above, it is clear that the recovery to the extent of Rs. 1,25,254/- has already been made before the retirement of the applicant with effect from November, 01. The applicant did not challenge the action of the respondents at any point of time during his service period. He has approached the Tribunal only after the retirement

5. The grievance of the applicant now is that he was not given any show cause notice disclosing as to how over-payment has been received by him. The respondents, in their pleadings, have not rebutted this allegation nor

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produced any record from which the Tribunal can verify the correctness of the claim. There is no doubt that the applicant was given an information vide letter dated 28.8.01 on the basis of which recovery started with effect from November, 01. Therefore, it is not known as to how the amount of recovery has been worked out. The original record is with the department.

6. In this view of the matter, the interest of justice demand that the applicant may be given a detailed show cause notice as well as an opportunity of personal hearing, if necessary, and thereafter, the respondents should pass a reasoned and speaking order, taking into account his representation in response to the show cause notice as to how the excess payment has been arrived at , as also how the increments were affected which led to reduction of pay from Rs. 6950/- to Rs. 6500/-. The respondents are directed to act accordingly to complete the aforesaid exercise within three months of receipt of copy of this order.

7. The OA stands disposed of, accordingly, without any order as to the costs.


[Sadhna Srivastava] M [J]

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