

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

O.A. No. 414 of 06

Date of order : 12.9.2007

C O R A M

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

Bhol Mahto, S/o Late Laxman Mahto, r/o Mohalla – Bagmali, Hajipur,
District – Vaishali.

Applicant

By Advocate : Shri N.K. Singh

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Vs.

1. The Union of India through the General Manager, East Central Railway, Hajipur.
2. The Chief Personnel Officer, East Central Railway, Hajipur.
3. The Divisional Railway Manager, East Central Railway, Danapur.
4. The Sr Divisional Commercial Manager, East Central Railway, Danapur.
5. Shri P.K. Sharma, Commercial Inspector-cum-enquiry Officer, East Central Railway, Danapur.
6. The Station Manager, East Central Railway, Jamui.
7. The Sr. Divisional Cashier, East Central Railway, Danapur.
8. The Branch Manager, S.B.I., Jamui Branch.

Respondents

By Advocate : None

O R D E R

Sadhna Srivastava, M [J] :- The MA 366 of 06 filed for condonation of delay in filing the above OA is allowed. The delay, if any, is hereby condoned.



2. The applicant is aggrieved with the action of the respondents in withholding gratuity amount of Rs. 2,88,354/-.

3. The facts are that the applicant was initially appointed as Assistant Station Master [ASM in short] in the year 1864. He superannuated on 31.7.2003 while posted as Senior Instructor at Divisional Training Centre, Mokama. The dispute is that while posted as Station Manager at Jamui with effect from 23.5.97 to 21.1.999, he has been held responsible for Rs. 1,55,522/- running outstanding in the book of Jamui Railway Station. The respondents have alleged in para 5 of the written statement that the debit was shown again^{§ 85(5)} the applicant for non-availability of account foils acknowledged by cash office , Danapur.

4. I have carefully perused the record and heard learned counsel for the applicant. This Tribunal has been deprived of assistance of learned counsel for the respondents who continuously remained absent from 28.3.07. Hearing was concluded on 4.9.07. The simple question involved in this case is whether the station cash of Rs. 47,638/-, 42,382, and 64,502/- was remitted to the cash office at Danapur on 1.5.97, 19.7.97 and 13.4.98 respectively. There was definitely some procedural lapse on the part of the applicant which resulted in debit against his name. The applicant was aware of the same. He had filed OA 498 of 03 alleging that the station cash had been remitted to cash office at Danapur, but still it was shown as



outstanding against him. In pursuance of the direction of the Tribunal in OA 498 of 03, an enquiry was also made by one Shri P.K. Sharma, Commercial Inspector, Danapur, but still by order dated 4.1.2004 [Annexure A/4], the Senior Divisional Commercial Manager held that remittance cannot be confirmed. The prayer of the applicant is that the order dated 4.1.2004 be quashed and gratuity be released with interest.

5. The respondents have referred to para 2466 of IRCM Vol 2 regarding the procedure to be followed while remitting station cash to cash office. The said para reads as under:-

"Cash receipts received from cash office :- Cash receipts i.e. Outer most foils of the cash remittance notes received from the cashier on account of station remittances should be attached to the respective block foils of the cash remittance notes immediately on receipt. If a cash receipt is not received back in time, the Station Master should immediately report its non-receipt to the cashier."

6. It must be stated, at the out-set, that the applicant has failed to satisfy the Tribunal that he had followed the procedure. However, the applicant was negligent in following the procedure, it was open to the competent authority to draw action against him, but it was not so done. Therefore, the next question is whether the amount can be recovered from his gratuity payable to him. The applicant alleges that the amount has been



remitted to the cash office. He has filed the duplicate cash receipts notes [CR Notes] [Annexure A/6] from the Divisional Cashier, Danapur. He has also alleged and filed proof of the fact that the amount of Rs. 65,502/- was deposited with SBI, which was duly transmitted to the Divisional Cash office [Annexure A/7]. On the other hand, the respondents have not verified the facts from the Divisional Cash Office nor duplicate receipts issued by the Divisional Cash Office ^{§ have §} been assailed to be forged or fabricated documents before the Tribunal. The fact that Rs. 65,502/- was deposited with SBI and documents of bank render absolute support to the case set up by the applicant. Consequently, it can be safely inferred that the station cash of Rs. 47,638/-, 42,382/-, and 65,502/- was duly remitted to the cash office. Thus, there is no basis for the respondents to recover Rs. 1,55,522/- from the gratuity payable to the applicant.

7. The next question is about the claim of interest set up by the applicant. I am of the opinion that there was dispute whether artificial or real about the claim of Rs. 1,55,522/-, but in any case, there was no reason for the respondents to withhold the balance amount of Rs. 1,32,832/-. Therefore, I hold that the respondents are liable to pay the interest on the amount of Rs. 1,32,832/- @ 9 % per annum from 1.11.2003 till the date of actual payment.

8. Resultantly, the OA is allowed. The impugned order as



contained in Annexure A/4 dated 4.1.2004 is hereby quashed and set aside. The respondents are directed to release the whole gratuity amount of Rs. 2,88,354/- forthwith, without any further delay. There will, however, be no order as to the costs.



[Sadhna Srivastava] M [J]

/cbs/