

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 4/1989 198  
~~Taxation~~

DATE OF DECISION 31 - 3 - 1992

V D Thakker Petitioner

MR. H J ACHARYA Advocate for the Petitioner(s)

Versus

UNION OF INDIA &amp; ORS. Respondent

MR. P.R. PAI Advocate for the Respondent(s)

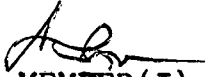
## CORAM :

The Hon'ble Ms. Usha Savara, Member (A)

The Hon'ble Mr. S. Santhana Krishnan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

NV

  
MEMBER (J)

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, GULESTAN, BUILDING NO. 6  
PRESCOT ROAD; BOMBAY - 1

O.A. No. 4 / 1989

VRAJLAL D. Thakker  
129/2 Western Railway Colony  
Santacruz (W)  
Bombay 400054.

.. Applicant

V/s.

1. Union of India  
through General Manager  
Western Railway; Churchgate;  
Bombay 400020
2. Chief Commercial Supdt.  
Western Railway; Churchgate;  
Bombay 400020
3. Senior Commercial Officer  
(Catering); Western Railway  
Churchgate; Bombay-20
4. Divisional Railway Manager  
Bombay Division; Bombay Central;  
Bombay 400008.
5. Assistant Commercial Supdt. .. Respondents  
(Mobile); Bombay Central Rly.Stn.,  
Bombay Central; Bombay 400 008.

Coram: Hon.Ms. Usha Savara, Member (A)  
Hon.Shri S.Santhana Krishnan, M(J)

APPEARANCE:

Mr. H J ACHARYA  
ADVOCATE  
FOR THE APPLICANT

MR. P R PAI  
ADVOCATE  
FOR THE RESPONDENTS

JUDGMENT:  
(PER: S. SANTHANA KRISHNAN, MEMBER(J))

DATED: 31 - 3 - 1992

Applicant has filed this application requiring the respondents to withdraw or cancel the chargesheet and direct them to produce record on which they claim debits or in alternative they be directed to refund Rs.2,491.52 to the applicant with interest and also direct them to settle the matter with a specified time. The applicant was working in Bombay Division of Western Railway as Divisional Catering Inspector Gr.I and he was transferred and promoted to officiate as Catering Inspector. He was originally working prior to this transfer as Senior

*[Signature]*

Catering Inspector Gr. II. He was given a major penalty charge sheet on 18.1.82. The applicant was always willing to settle the debit payments for which he was requesting from time to time, while the respondents had not furnished any information ultimately deducted Rs.3200 from his salary unilaterally by APO(Bills). The concerned authority did not give any receipt for the money deducted or deposited. Sometime in the end of 1984, the applicant was shown the particulars of debit and on verification he found that he is entitled for refund of Rs.2,261.81. The applicant accordingly requested for the refund of this amount. Thereafter, a major charge sheet issued was converted into minor penalty chargesheet maintaining the same charges. Thereafter the penalty of withholding three sets of passes and two sets of PTO was imposed by the order dated 3.2.87 and the applicant appealed against the same. In the appeal the said penalty was cancelled and the appellate authority also directed that the SCO(Ctg.) to give necessary details of outstanding debits against the applicant to enable the applicant to furnish his remarks. He sent letters dated 24.9.87 and 14.10.87 to furnish the particulars but the particulars are not given to him, hence this application.

Respondents filed reply resisting the claim of the applicant. The applicant filed his rejoinder.

Heard the counsel for the applicant and the respondents. Learned counsel for the applicant contended that in spite of the order of the Appellate Authority dated 5.8.87 the applicant was not given necessary debit details outstanding against the applicant to enable him to furnish his remarks. On this aspect the learned counsel appearing for the respondents

*[Signature]*

brought to our notice a letter dated 26.11.1987 where-  
 under the SCO(Ctg.) has said to have sent to the appli-  
 cant the details of the outstanding debits. A copy of the  
 debits outstanding is also said to have been sent to the  
 applicant. The learned counsel for the applicant states  
 that the applicant has not received any such copy of ~~the~~  
 letter. When the respondents were asked to state whether  
 they have got any record to show that this was served  
 on the applicant, they failed to produce any such record.  
 Further the learned counsel for the respondents was  
 asked to state whether they have mentioned this letter  
 in the reply, for which he admits that this letter was  
 not mentioned in the reply. The main grievance of the  
 applicant is that he was not given the details of the  
 debits ~~eventhough~~ the Appellate Authority ordered to that  
 effect. The respondents claim that they have furnished  
 the details to the applicant but they failed to show any  
 proof that the same was received by the applicant.  
 In fact as pointed out already the applicant has sent  
 reminders dated 24.9.87 and 14.10.87 requesting the  
 respondents to furnish the details and now requests this  
 Tribunal to direct the respondents to submit him the  
 debit particulars.

In view of the above discussion we dispose  
 of this application with the following directions:

- The respondents are hereby directed to
- i) Send a copy of the letter dated 26.11.1987 <sup>to the applicant</sup> /  
 with necessary debit outstanding particulars  
 as per the order of appellate authority dated  
 5.8.87 within a period of two weeks from the  
 date of receipt of this order.
  - ii) The applicant is at liberty to submit his  
 remarks to the above said letter within one  
 month from the date of receipt of this letter.

*[Handwritten signature]*

- iii) Respondents are required to pass final speaking orders within two months from the date of receipt of remarks by the applicant.
- iv) The applicant, if he is so aggrieved against such speaking order is entitled to come to this Tribunal.
- v) We however, make no order as to costs.

*S. Santhana Krishnan*  
( S. SANTHANA KRISHNAN )

31/3/92

*U. Savara*  
31.3.92  
(Ms. USHA SAVARA )

trk/-