

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 572/92

199

T.A. NO:

DATE OF DECISION 28-8-92

Shri A.M.Kanpurwala, Akola

Petitioner

Shri G.R.Menghani

Advocate for the Petitioners

Versus

Union of India

Respondent

Shri J.G.Sawant

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr.

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 ?

No

U. Savara
(Ms. Usha Savara) 28/8/92
Member(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

O.A. No.572/92

Shri A.M.Kanpurwala
Akola

...

Applicant

vs

Union of India Through
General Manager,
C.Rly Bombay V.T.

...

Respondent

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

Appearance:

Shri G.R.Menghani, Advocate
for the applicant

Shri J.G.Sawant, Advocate
for the respondents.

Tribunal's Order

Dated: 28-8-92

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

The applicant is working as Chief Permanent Way Inspector, Central Railway at Bhuswal, ^{and} was issued with privilege pass No.225752 dated 19-3-90 from Bombay VT to Jaipur via Khandwa and back for self, wife, two daughters and one son. It transpired that this ^{is} a long route and he had travelled 47 Kms in excess, therefore he was liable to pay first class fare for 10 adults for 47 Kms amounting Rs. 430/- and it was proposed that the same be recovered from his wages. The applicant was also issued one set of first class privilege pass No. A 225798 dated 5-12-90 which was in excess quota of the 3 sets of passes to which he ~~is~~ entitled during the year 1990. This pass was ex-Varanasi to Ahamadabad via Itarsi, Bhusawal, Jalgaon, Surat and back which comes to 1616 Kms with self, wife and two daughters and one son. It was proposed to recover the fare for 10 adults for 1616 kms amounting to Rs. 5890 in addition to the sum of Rs. 430/- as mentioned above, the total amount to be recovered was 6320/-.

Mr. Mehanchani appeared for the applicant and fairly conceded that the respondents were entitled to deduct Rs. 430/- for the excess 47 Kms. He further submitted that the applicant has not fully utilised pass No. 225798 which was taken erroneously. It was submitted that the recovery be limited to the actual use of the pass.

Shri Sawant appears for the respondents. He could not state any specific rule which would entitle the recovery of the entire amount of Rs. 5890 from the applicant regardless of the fact that he has not utilised the pass to the full extent. Under the circumstances, I feel that in the interest of justice, it would be fair and reasonable for the respondents to charge the applicant to the extent to which he has actually utilised the pass. On a perusal of the pass, it indicates the actual travelling done and the number of people who have undertaken the journey, it would therefore be possible to workout the kilometres for which the applicant has utilised the pass and the same may be recovered from the applicant. Any amount recovered may be adjusted against the amount due, as per calculations of the respondent. The O.A. is disposed of as above with the above directions at the admission stage with no order as to costs.

(Ms. Usha Savara)
Member(A)