

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 30 SEP 1993

APPLICATION NO(S) 703 of 1993.

APPLICANTS: K.N.Srinivasachar

RESPONDENTS: Chief Workshop Manager,
South Central Railway, Hubli & Others.

TO,

1. Dr.M.S.Nagaraja, Advocate,
No.11, First Cross,
Second Floor, Sujatha Complex,
Gandhinagar, Bangalore-9.
2. The Chief Workshop Manager,
South Central Railway,
Hubli.
3. Sri.A.N.Venugopala Gowda,
Advocate, 8/2, First Floor,
R.V.Reed, Opp: Bangalore Hospital,
Bangalore-560 004.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 23rd September, 1993.

Issued

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

30/9/93

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 23RD DAY OF SEPTEMBER, 1993.

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

APPLICATION NUMBER 703 OF 1993

K.N. Srinivasachar,
Aged 59 years,
S/o Sri K. Narasimhachar,
40/A, I Stage, Brindavan Extension,
Bangalore-570 020.

.. Applicant.

(By Dr. M.S. Nagaraja, Advocate)

v.

1. The Chief Workshop Manager,
South Central Railway Workshop,
Hubli.
2. The Financial Adviser & Chief Accounts Officer,
South Central Railway, Rail Nilayam,
Secunderabad.
3. The Divisional Manager,
South Central Railway,
Secunderabad.
4. Union of India,
represented by its Secretary
to Government, Ministry of Railways,
New Delhi.

.. Respondents.

(By Sri A.N. Venugopal, Standing Counsel)

This application having come up for admission to-day after notice, the Tribunal made the following:-

ORDER

Having heard Dr. M.S. Nagaraja, learned counsel for the applicant and Sri A.N. Venugopal, learned Standing Counsel for the Railways I propose to dispose off this matter finally inter alia directing its admission.

2. The applicant who has since retired from employment with the South Central Railways was clamped with a notice stating some excess payments had been made by way of salary etc. etc.

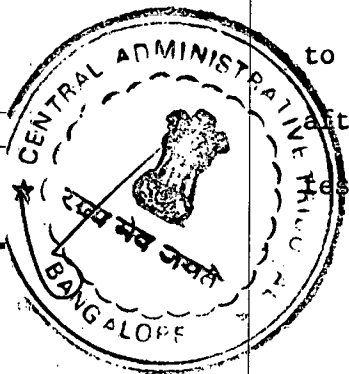


while he was in service and even after retirement some retiral benefits due to him were paid in excess. A decision taken to recover the aforesaid sum is found in Annexures-A1 to A4.

3. Presently the complaint is that the proposal to recover the so called excess payments made to him either by way of salary or in regard to retiral benefits was not preceded by a show cause notice and that he had not been given an opportunity of being heard before a decision was taken as per Annexures A1 to A4 to collect the alleged excess payments supposed to have been made as cited therein.

4. For a change, the Railway administration has since come forward with the proposal to issue a show cause notice before enforcing the impugned recoveries. To that effect a communication has been sent to the learned Standing Counsel Sri A.N.Venugopal from the South Central Railways and that communication counsel tenders and makes it a part of the record.

5. I direct this communication dated 10-9-1993 in No.1/P 648/OA 703/93 be placed on record and in terms thereof I issue a direction to the Railway Administration to abide by that letter and pursuant to the same issue a show cause notice to the applicant before proceeding to take any steps to recover the amounts mentioned in Annexures A1 to A4. To facilitate an enquiry to be held in this behalf, I quash endorsements at Annexures A1 to A4 giving liberty to the Railways to decide the issue afresh after affording a suitable opportunity to the applicant to contest the same if desired. No costs.



TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

20/9/93

SD-
VICE-CHIEFMAN.