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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 261/93.

Transfer Application No:

DATE OF DECISION: JULY 22, 1994.

Shri V. D. Thakkar, Petitioner

Shri H. J. Acharya, Advocate for the Petitioners

Versus

Western Railway, Respondent

Shri S. Pillai. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri

1. To be referred to the Reporter or not ? *ml*
2. Whether it needs to be circulated to other Benches of the Tribunal ?

B. S. Hegde
(B. S. HEGDE)
MEMBER (J).

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(6)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL.

BOMBAY BENCH

O.A. NO.: 261/1993.

Shri V. D. Thakkar, ... Applicant.
Versus
Western Railway ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

APPEARANCES :

1. Shri H. J. Acharya,
Counsel for the Applicant.
2. Shri S. Pillai,
Counsel for the Respondents.

ORAL JUDGEMENT

JULY 22, 1994.

Per. Hon'ble Shri B. S. Hegde, Member (J).

1. Heard the arguments of Shri H. J. Acharya, Counsel for the Applicant and Shri S. Pillai, Counsel for the Respondents. The short point for consideration in this O.A. is that the Applicant has claimed for refund of Rs. 2,491.52 with interest at the market rate from 11.12.1984 till the date of payment and also give directions to the Respondents to refund the sum of Rs. 500/- which the Applicant has deposited with the Respondents as Security Deposit. Both have not been released so far. In this connection, he draws my attention to Tribunal's decision in O.A. No. 4 of 1989 dated 31.03.1992, wherein he had claimed the same amount in that O.A. The Tribunal, after considering the rival contention of the parties, passed the following order :-

(X)

"The respondents are hereby directed to -

- i) Send a copy of the letter dated 26.11.1987 to the applicant with necessary debit outstanding particulars as per the order of appellate authority dated 05.08.1987 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.
- 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."

2. The Learned Counsel for the Applicant further submits that as per the directions of the Tribunal, the Respondents did not furnish any information or particulars regarding the outstanding debits. In this connection, he draws my attention to Annexure-II vide dated 11.12.1984 and Annexure-III vide dated 18.01.1985, as per which he is required to get the refund of total Rs. 2,491.57. In the ~~Order~~ reply filed by the Respondents, they have not stated anywhere whether the amount is payable to the Applicant, instead they have referred to Contempt Petition No. 45 of 1993 filed by the Applicant, which has no relevance to the issue ~~involved~~ ~~order~~. Even before disposing of the Contempt Petition, the Tribunal has held it is not disputed that the Applicant has filed O.A. for the amounts which he claims and due to him. Since there is no dispute about actual

amount to be paid, the contempt petition cannot be entertained. The Respondents have not made any statement ^{in the} ~~or~~ pleading, whether the amount is payable to the Applicant or not in their reply.

3. In the light of the above, the Respondents is directed to make specific statement, especially in regard to Annexure-II and III referred to by the Applicant and pass a speaking order that the said amount is payable to him or not. They may pass such order within a period of two months from the date of receipt of this order. The Respondents may kindly note that they have not adhered to the directions issued by the Tribunal on earlier occasion. They are once again directed to comply with the orders of the Tribunal within the stipulated time.

4. The Applicant has also claimed for the refund of Rs. 500/- which he has deposited by way of National Savings Certificates, for which the Respondents has given a receipt vide dated 06.07.1956. In the circumstances, the Respondent's contention that he should furnish the original receipt, is not correct. The original receipt is already lying with the Respondents. On the basis of photo-copy receipt, they should make payment of Rs. 500/- to the Applicant within a period of one month from the date of receipt of this order with interest accrued thereon as per rules.

5. Regarding the payment of Rs. 2,491.52 which is due to the Applicant, if it is found to be payable, in that event the Respondents is directed to pay the amount with interest @ 10% w.e.f. 31.3.1992 till the payment is made.

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6. In the light of the above, the
O.A. is disposed of. No order as to costs.

B. S. Hegde
(B. S. HEGDE)
MEMBER (J).

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