

CENTRAL ADMINISTRATIVE TRIBUNAL: MUMBAI BENCH.

ORIGINAL APPLICATION NO. 222 OF 1994

MONDAY, THIS THE 28TH DAY OF JUNE, 1999.

Shri Justice S.Venkataraman,

Vice-Chairman.

Shri S.K.Ghosal,

.. Member(A).

S.P.Ambhaikar,
Aged about 55 years,
working as Chief Catering Inspector,
Base Kitchen, Nagpur,
Resident: C/o Shri C.P.Ambhaikar, Empress Mill
Quarters (Parsi Chawl, Santra Market,
Nagpur.

.. Applicant.

(By Advocate Shri P.G.Zare)

v.

1. Union of India,
through the General Manager,
Central Railway, Bombay V.T.,
Bombay.

2. The Divisional Railway Manager,
(Commercial Central Railway,
Bhusawal.

.. Respondents.

(By Standing Counsel V.S.Masurkar)

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ORDER

Justice S.Venkataraman, Vice-Chairman:-

The applicant was working as Catering in-charge at Bhusawal till 24-6-1990. In March 1991 at the time of stock verification it was noticed that in December, 1990 10 numbers of gas cylinders had been shown as transferred to a party without giving transfer voucher number, its date or the name of the party. A memo ^{was} dated 18-5-1992/issued to the applicant stating that the applicant was liable to make good the cost of 5 cylinders of Rs.7500/- out of the 10 cylinders referred to above and an entry in GD-

-10 register was directed to be made against the applicant. A debit of Rs.7500/- was raised against the applicant as per Exhibit-II. The applicant gave a representation as per Exhibit-III pleading that as he had been transferred from Bhusawal in June, 1990 itself, he cannot be held liable for the shortage if any, in the stock. However, his representation was rejected. The applicant has, therefore, challenged the action of the respondents in raising debit of Rs.7500/- against him.

2. It is not disputed that the applicant was incharge of Bhusawal catering section till 24-6-1990. In Exhibit-I dated 18-5-1992 it is clearly stated that it was in December, 1990 10 numbers of gas cylinders had been transferred to parties without giving the voucher number, date or parties name. It is in respect of 10 cylinders the applicant is made liable to the extent of 5 cylinders. It is beyond one's comprehension as to how the applicant who had been transferred from Bhusawal in June, 1990 itself could be made liable in respect of an item of loss or misappropriation which was occasioned in December, 1990. There is some allegation of the applicant not having handed over charge and not maintaining the debit stock register etc. ^{That has} ~~There is~~ absolutely no relevance to the question as to whether the applicant can be held liable for the loss in respect of 10 cylinders which took place in December, 1990. The impugned order making the applicant liable to the extent of Rs.7500/- is arbitrary and without any basis.

3. For the above reasons, this application is allowed and the impugned orders are set aside. No costs.


(S.K.GHOSAL)
MEMBER(A)

np/


(S.VENKATARAMAN)
VICE-CHAIRMAN.