

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 957/97

Date of Decision 26/3/99.

Shri K.A. Abraham

Applicant.

Shri Suresh Kumar

Advocate for
Applicant.

Versus

Union of India & 4 Ors.

Respondent(s)

Shri S.C. Dhawan

Advocate for
Respondent(s)

CORAM:

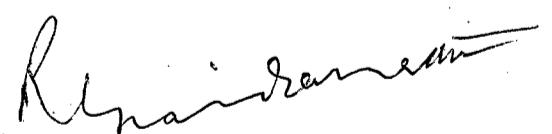
Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S. Baweja, Member(A).

(1) To be referred to the Reporter or not? N o

(2) Whether it needs to be circulated to
other Benches of the Tribunal? N o

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FCRT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 957/97.

DATED THE 26TH DAY OF MARCH, 1999.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S. Baweja, Member(A).

K.A. Abraham,
Ex. Assistant Divisional Accounts,
Officer/Danapur, residing at
Flat No.806, Yogi Towers,
Yogi Nagar, Borivli(West),
Mumbai - 400 092.

... Applicant.

By Advocate Shri Suresh Kumar.

v/s.

1. Union of India, through
Chairman, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager,
Office of General Manager,
Eastern Railway, Head Quarter,
17, Netaji Subhash Road,
Calcutta-700 001.
3. Senior Divisional Accounts
Officer, Eastern Railway,
Danapur, P.O. Khangaul,
Patna-801105.
4. The Financial Advisor and Chief
Accounts Officer, Office of the
Financial Advisor, and Chief
Accounts Officer, Eastern Railway,
17, Netaji Subhash Road,
Calcutta - 700 001.
5. Deputy Chief Accounts Officer,
Eastern Railway,
Fairlie Place,
Calcutta - 700 001.

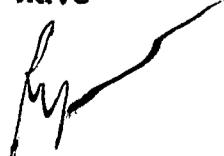
... Respondents.

By Advocate Shri S.C. Dhawan.

I O R D E R I

I Per Shri R.G. Vaidyanatha, Vice Chairman]

This is an application filed by applicant challenging
the two orders of the respondents dated 30/7/97 and 22/8/97.
Respondents have filed reply opposing the application. We have
heard both the counsels.



2. Since the point involved is a short point, we are disposing of the OA at admission stage.

Applicant was Assistant Divisional Accounts Officer in the Eastern Railway at Danapur of Eastern Railway. It appears one lady Smt. Kusum Kumari Devi filed OA-620/94 in the Central Administrative Tribunal at Patna and the application came to be allowed by order dated 20/5/96. The learned Single Member of the Tribunal has passed the order that the applicant in that case is entitled to interest and has further observed that the interest to be paid to the applicant in that case may be recovered from the Officers who are responsible for delaying the payment to that lady. In pursuance of the observations of that order, the respondents appear to have made some preliminary enquiry and issued two Impugned orders dated 30/7/97 and 22/8/97 stating that the applicant was the Officer who was responsible for delaying the payment to that lady and therefore the interest payable to that lady amounts to Rs.25,000/- and ought to be recovered from the applicant, accordingly it is ordered that Rs.2,000/- per month shall be recovered from the applicant. It is now brought to our notice that the applicant has retired from service in 1989. The order of Patna Bench, CAT, is of 1996. The Tribunal has not given any finding as to which officer was responsible for the delayed payment which resulted in Railway Administration liable to pay interest.

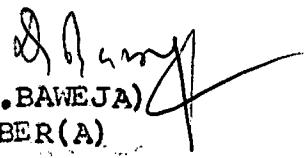
3. In our view, if the railway administration wanted to take action against the applicant, they should have observed the Principles of Natural Justice by atleast issuing show cause notice to bring the facts and circumstances to the notice of the applicant which resulted in the railways making payment of interest towards the delay in pursuance of order of the Tribunal.

4. Then on receipt of reply of the applicant and if necessary after holding enquiry whether formal or informal, the respondents could have taken a decision. Infact, in the reply it is stated that no show cause notice is necessary since the recovery is being made as per the order of the Tribunal. As

already stated, the Tribunal has observed that it is a matter which has to be enquired into by Railways.

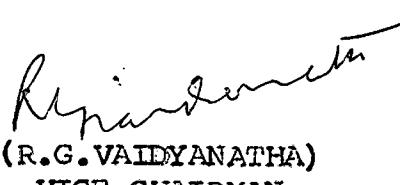
5. In the facts and circumstances of the case, we are not inclined to uphold the two impugned orders of Railways dated 30/7/97 and 22/8/97. Even now, it is open to the Railways to take appropriate action according to law after observing the Principles of Natural Justice. We are not expressing any opinion on the merits of the case.

6. In the result, the OA is disposed of at admission stage by quashing the two impugned orders dated 30/7/97 and 22/8/97. The Railways shall not recover any amount from the applicant on the basis of those two orders. However, liberty to Railway administration to take appropriate action according to law in the light of the observations made above. No costs.


(D.S. BAWEJA)

MEMBER (A)

abp.


(R.G. VAIDYANATHA)

VICE CHAIRMAN