

IN THE CENTRAL ADMINISTRATIVE TRIBUNALS, JAIPUR BENCH, JAIPUR.

OA No. 885/92 : Date of order 5.7.94
(OA 586/89)

Magan Singh : Applicant

v/s

Union of India & Others : Respondents

Mr. P.D. Khanna : Counsel for the applicant

Mr. V.D. Bhargava : Counsel for the respondents
nos. 1 & 2.

None present for the respondent no. 3

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Hon'ble Mr. Gopal Krishna, Member (J)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J)

Applicant Shri Magan Singh has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for a declaration that the orders of the Jackson Cooperative Society (Branch Ajmer) dated 13.2.88, 24.5.88 and 4.6.88 and the recovery orders of the Divisional Personnel Officer, Western Railway, Ajmer be declared illegal, wrongful, null & void and inoperative and that it be further held the respondents should not recover and deduct Jackson Cooperative Society's instalment from the wages of the applicant. He has also sought a declaration that the applicant is entitled to get the refund of Rs. 910/- i.e. the amount of instalments illegally deducted from his wages and further amounts, if recovered, with interest.

2. I have heard the learned counsel for the applicant and the learned counsel for the respondents nos. 1 & 2. None is present on behalf of the respondents no. 3.

3. The relevant facts are as follows. The applicant had applied for a loan of Rs. 2700/- from the Jackson Cooperative Credit Society, Bombay and the same was sanctioned and a cheque dated 30.1.80 for Rs. 2563/- was issued in his favour. Thereafter, the Divisional Personnel Officer, Western Railway despatched the said cheque to the Diesel Foreman, Abu Road, instead of Loco

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Foreman, at the same place under whom the applicant was working at that time and the said cheque was delivered to Shri Mangal Singh, who encashed the cheque on 13.2.80 from the booking office of the Railway station, Abu Road. Shri Mangal Singh was posted as a Khallasi at Abu Road. However, recoveries were made in instalments from the wages of the applicant in spite of the fact that no loan was received by him. It is alleged by the applicant that illegal recoveries of the loan amount in monthly instalments were made from his salary. Despite the efforts of the applicant in this behalf, the recoveries from his wages were not stopped by the Divisional Personnel Officer, Western Railway, Ajmer. The respondent no. 3 stated in the reply filed on his behalf that the entire amount with interest has been returned to the applicant under a clear understanding that no loan was ever advanced to him and now there is no balance due to him. It is further stated ^{that} a total amount of Rs. 4375/- was sent to the applicant vide order no. 32241 dated 28.8.89. Amounts of Rs. 140/- and Rs. 910/- total Rs. 1050 wrongly deducted from the wages of the applicant have been refunded to him vide orders nos. 079260 and 079261 dated 28.8.89. The Divisional Personnel Officer, Ajmer has also been intimated to stop the recovery from the salary of the applicant towards the disputed loan. The learned counsel for the applicant has urged for payment of interest on the amounts wrongly recovered from the applicant. It is categorically stated in the reply of the respondent no. 3 that all the amounts with interest thereon have been refunded to the applicant. In the circumstances no case for payment of interest is made out.

4. For the reasons stated above, this application is dismissed with no order as to costs.

C. Krishna 5-7-94
(Gopal Krishna)
Member (J)