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O.A.No.411/95

Date of Order: 7.3.96

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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The applicant in this OA while working as Movement Inspector in the Railway Electrification, S.E.Railway, Bilaspur was placed on "No Work" with full protection to his wages as per letter No.RE/RD/EG/Conf/01 dated 15.3.71. He was paid from 15.3.71 to 1.8.73 the period during which he was placed on no work. He was recalled and posted under E.N.C./RE/WAT as per AOS(RE) S.E.Railway, Waltair by O.O.No. WKRE/T/E/30, dated 7.8.93. The members of staff who were covered under no work notices is enclosed at page-12. It is stated that the recovered amount had been paid back for the other employees mentioned in A-2 letter but only the applicant herein is singled out in whose case the recovered amount was not paid.

2. Railway Board vide letter No.E/NG/III/71/RE1/36 dated 1.4.85 gave some instructions regarding the treatment of period spent by the staff covered by court's injunction when placed on no work notices. The learned counsel for the respondents stated that the treatment of the period for the applicant is covered by para-5 of the said letter. However, in the same letter the Railway Board has also said that the over payment made may be treated as waived. However it is stated for the applicant that an amount of Rs.10,818/- had been recovered from the arrear supplementary bill prepared for payment of arrears on account of restructure in the cadre, and Rs.2,486-44ps. was recovered from the DCRG when he retired without connecting the Railway Board's letter in respect of the amount paid during "no work period" i.e. from 16.3.71 to 1.8.73.



(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.  
O.A.NO.411 of 1995.

Dated: 7.3.1996.

Between

P.D.S.Prakasa Rao!

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Applicant

And

Union of India, Rep. by:

1. General Manager, S.E.Railway, Calcutta.
2. Chief Project Manager, (Con) S.E.Railway, Visakhapatnam.
3. Dy. Chief Electrical Engineer, (Con/RE Closing Cell), S.E. Railway, Visakhapatnam.
4. Divisional Railway Manager(Personnel), S.E.Railway, Bilaspur
5. Sr. Divisional Accounts Officer, S.E.Railway, Bilaspur(M.P.)

... Respondents

Counsel for the ...

Counsel for the Respondents

: Sri. Y.Subrahmanyam  
: Sri. V. ...

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:..

3. This OA is filed for a direction to the respondents to arrange for refund of the amount of Rs.10,818/- recovered from restructuring arrears and Rs.2,486+44 ps. recovered from the DCRG of the applicant with 18% interest.

4. No. RCB/OITG/25 dated 22.12.93 has confirmed the recovery ignoring the Rly. Board No.E/NG/III/71/RE1/36 dated 1.4.85 order communicated by the Deputy Director (Estt.)MG. In this letter R4 only wanted an original copy of the Railway Board's letter dated 1.4.85. It is further stated in that letter that on receipt of the original letter further action will be initiated for arranging repayment. The said letter of Railway Board dated 1.4.85 has also been sent to R4 by R3 as can be seen from the letter No.EL/Con/E/N.G/174 dated 20.1.94. In spite of necessary clarification and giving the necessary letters R4 has not returned the money to the applicant. In spite of several adjournments given no reply has been filed. The learned standing counsel submitted that the amount to be repaid has to be verified. The respondents are free to verify the amount recovered from the applicant. In view of what is stated above the actual amount recovered from the applicant should be repaid to him within a period of 3 months from the date of receipt of a copy of this letter. The necessary clarification asked for by R3 has been given to R4 way back on 20.1.94 and hence it is not clear as to why the recovered amount was not paid so far. Hence the applicant is justified in claiming interest from 20.1.94.

5. In view of the above, the following:  
R4 should refund the actual amount recovered from the applicant for the over payment made during the no work notice period i.e. from 16.3.71 to 1.8.73 with 12% interest from 20.1.94.