

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

ORIGINAL APPLICATION NO. 552 of 1996.

Date of decision: 1-5-96

..... D. Nohan Rao .....

APPLICANT(S)

Versus

..... Sr. DCT, SE Rly. Wallaw & Ann. .....

RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?
2. Whether it be circulated to all the Benches of C.A.T. or not?

Member ( )

(R. RANGARAJAN)  
~~Vice Chairman~~ Member (Adm.)

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.552 of 1996

Date of Order: 1.5.96

Between:

D.MOHAN RAO

....APPLICANT

and

1. The Sr.Divisional Commercial Manager,  
O/o The Divisional Railway Manager (C),  
South Eastern Railway,  
Waltair,

2. The Divisional Railway Manager (P),  
South Eastern Railway,  
Waltair (BS-VI), Visakhapatnam.

.... Respondents

COUNSEL FOR THE APPLICANT: Mr.P.NAVEEN RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ,  
Standing Counsel for Rlys.

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri Meherchand Norie for Shri P.Naveen Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant in this OA is a Senior Parcel Clerk at Visakhapatnam. It is stated that a letter bearing No.SI/L&F/VSKP-P.O/LT/98/885 dated 12.8.1993 was issued on him by the Deputy CAO/TA alleging that during the inspection conducted by the Accounts Officer (TA-Inspection), malpractices were noticed in the booking office of the luggages on account of which a substantial amount of Railway revenue was lost. In view of the above allegation, a charge sheet was served on the applicant

It is further stated

(29)

vide charge memo No.WCZ/VIG 'A'/DMR/Sr.PC/VSKP/XX122 dated 28.3.1994 (Annexure A-1). It is further stated that the inquiry is over and the report had been submitted to the disciplinary authority and the applicant had also submitted a reply to that inquiry report.

3. When the matter stood thus, it is stated ~~for~~ the learned standing counsel for the respondents that taking cognizance of the inquiry report and his explanation thereon, he was issued with a letter No.WCO/1/Recovery/VSAK/PO/BO/95 dated 12.7.95 (Annexure A-III) for recovery of Rs.1,000/- per month commencing from July 1995 salary to make good the pecuniary loss caused to the Government by the negligence of the applicant. ~~He~~ <sup>the applicant</sup> submitted a representation to R-I vide his representation dated 27.8.1993 (Annexure A-II). He had followed it up with another representation through the Union vide Annexures A-IV and A-V. He was informed vide letter No.WPU/22/SERMU/Replies/275/95 dated 18.9.95 (Annexure A-VI) stating that the case was examined and since it is an admitted debit, the recovery is affected as per the orders of R-I.

4. This OA is filed challenging the proceedings No.WCO/1/Recovery/VSKP/PO/BO/95 dated 12.7.95 (Annexure A-III) issued by R-I as affirmed by R-2 vide letter No.WPU/22/SERMU/Replies/275/95 dated 18.9.95 and praying for setting aside the above memos and for further direction to the respondents to refund the entire amount

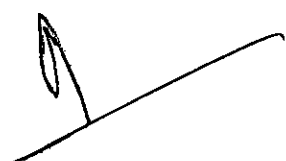
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recovered so far from the applicant immediately with interest @ 24% per annum from the date of recovery till the date of payment.


5. The main point for consideration in this OA is whether the debit is an admitted one or an unadmitted one. The learned counsel for the applicant submits that the debit is not admitted by the applicant and the pecuniary loss caused to the Railways is not by the applicant and the loss is due to some other reasons which are beyond his control. He further submits that R-1 and R-2 had erroneously come to the conclusion that the debit is admitted and hence recovery is in order.

6. In view of the conflicting views taken by the applicant as well as the respondents in regard to the nature of the debit whether admitted or unadmitted, it is preferable to leave this issue to the Divisional Railway Manager, South Eastern Railway, Visakhapatnam for adjudicating this case and coming to a judicious conclusion on the basis of the records and other documents available in the Divisional Office as well as in the stations where the applicant worked as Senior Parcel Clerk. To facilitate the adjudication, the applicant may submit a detailed representation to the Divisional Railway Manager, S.E. Railway, Visakhapatnam within a fortnight from the date of receipt of a copy of this order obtaining acknowledgement for having submitted such a representation to the concerned authority. If



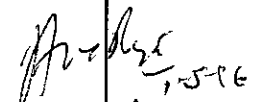
such a representation is received from the applicant, the same should be disposed of by the Divisional Railway Manager as indicated above within a period of 60 days from the date of receipt of a copy of such a representation. Till such time the representation is disposed of, no <sup>further</sup> recovery should be made from the salary of the applicant.

7. The OA is disposed of as above at the admission stage itself. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: 1st May, 1996  
Open court dictation

vsn

  
Dy. Registrar (J)

Contd...

58

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O.A.NO. 552/96

Copy to:

1. The Senior Divisional Commercial Manager,  
O/O The Divisional Railway Manager (c),  
South Eastern Railway,  
Waltair.
2. The Divisional Railway Manager(P),  
South Eastern Railway,  
Waltair (BS-VI),  
Visakhapatnam.
3. One copy to Mr.P.Naveen Rao, Advocate, CAT,  
Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to Library, AT, Hyderabad.
6. One duplicate copy.

YLKR

\* \* \*

16/5/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A).

DATED: 1-5-96

ORDER & JUDGEMENT

M.A. NO/R.A/C.A. No.

IN

B.A. NO: 552/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

\* \* \*

No spare copy

