

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

C.R. No. 90/96.

Dt. of Order: 2-2-96.

Between :-

K. Radhakrishna Murthy

.. Applicant.

AND

1. The Riy. Employees Cooperative Credit Society Ltd., rep. by its Secretary, Park Town, Madras-3.
2. The Chief Personnel Officer, Sec'bad.
3. The Sr.Divl. Personnel Officer, SC Riy, Vijayawada.

.. Respondent

Counsel for the Applicant : Shri. P. Krishna Reddy

Counsel for the Respondent : Shri. V. Bhimanna, Adl. CGSC.

CONAM:

THE HON'BLE JUSTICE SHRI V. NEELAORI RAO : VICE-CHAIRMAN

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

... 2.

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri P. Krishna Reddy, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. This OA was filed praying for a direction to the respondents not to effect recovery from the applicant pending enquiry into the withdrawals of money in the name of the applicant towards T.V. purchase loan and return the amount already recovered from the salary. The applicant who is now working in Vijayawada Division of SC Railways is a Member of the Railway Employees Co-operative Credit Society Ltd., of Madras, who is represented by its Secretary, who is impleaded as R-1. As Vijayawada Division was ^{then a} part of Madras Division, employees of Vijayawada Division are permitted to continue in the Madras Railway Employees Co-op. Credit Society Ltd. ~~Madras~~.

3. The plea of the applicant is that by forging his signature some persons might have purchased T.V. from R-1 on credit and when the recovery was started from the month of October, 95, they have given a complaint and the CBI is investigating into the same.

4. The OA.1441/95 was filed in this Bench and the applicants therein are similarly placed as the applicant herein. By order of this Bench, dated 15-12-1995 (both of us were parties to the judgement) the OA was disposed. As the applicant herein is similarly situated and the contentions are similar, we see no reason to differ

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from the direction already given in OA.1441/95. Hence, the following direction is given :

The Chairman of the Managing Committee of R-1 Society (as he is an officer of the Railways nominated by the General Manager) has to look into the allegations of the applicant and if he feels that there appears to be prima facie truth in the allegations of the applicant he has to suspend the recovery pending completion of inquiry by the CBI. But, if he feels that there does not appear to be such prima facie truth in the allegations of the applicant, the applicant has to be informed accordingly and then ~~he~~ (the applicant) is free to move this Tribunal under Section 19 of the AT Act if ~~he~~ is so advised.

Pending consideration of the allegations of the applicant by Chairman of Managing Committee of R-1 Society, the impugned recovery in regard to the alleged TV loan from the salary of the applicant is suspended. It is needless to say that, in case it is going to be found ultimately that the applicant has purchased the TV from R-1 by taking loan, then the entire amount has to be repaid with interest upto the date of payment in accordance with rules. If it is ultimately found that the applicant has not purchased TV by securing loan from R-1, then the amount that was recovered from the salary of the applicant for the month of October, 95 and if any from salary for November, 95, ^{and less} has to be refunded to the applicant.

5. The OA is ordered accordingly at the admission stage. No costs. //

MR
(R. Rangarajan)
Member(Admn.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated : February 2, 96
Dictated in Open Court

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Arishu
19/2/96
Deputy Registrar (C)

of. 80/86

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

Dated: 2-2-1996

~~ORDER/JUDGMENT~~

M.A/R.A./G.A.No.

in

O.A.No.

90/96

T.A.No.

(W.P.No.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed. at the ~~adviser~~ stage.

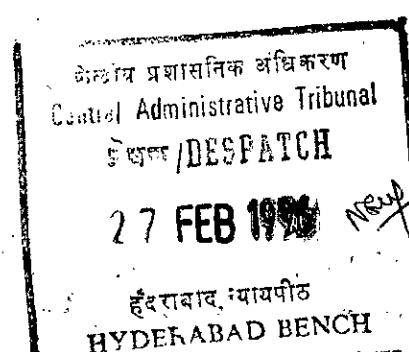
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare copy
30 A.C.R.D



Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The O.A. was disposed of finally by the Division Bench by order dated 2.2.96. Although the Applicant has joined the Railway Employees Cooperative Credit Society Ltd., through its Secretary as Respondent No.1 in the O.A. and has also made averments relating to the said Society, no notice of the O.A. had been served on the said Respondent. The said original Respondent Society has, therefore, sought setting aside the order in the O.A. which was passed ex-parte. The learned counsel for the Applicant submits that the Society had valid ~~defence~~ to the O.A. and the order has been passed without hearing him. It is, therefore, submitted that it deserves to be set aside.

2. We have carefully gone through the papers of the O.A. We have also heard Shri P.Krishna Reddy, learned counsel for the original Applicant and Shri W.Satyanarayana for Shri N.R.Devaraj for the official Respondents. We are of the opinion that since Respondent No.1 being necessary party in the O.A. was entitled to be heard when the common order was passed. Consequently, we hereby set aside the earlier order in the O.A. dated 2.2.96. The O.A. is restored. All the parties shall be heard immediately.

3. This application is accordingly allowed.



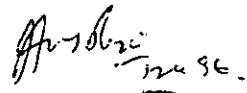
(R.Rangarajan)
Member (A).



(M.G.Chaudhari)
Vice-Chairman.

Dated: 3-4-1996.
Open Court dictation.

br.


Deputy Registrar (D.R.)

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

M.A.No.270/96 in
O.A.No.90/96.

Date of order : 3-4-1996.

The Railway Employees
Coop. Credit Society Ltd.,
Reptd. by its Secretary,
Southern Rly. Offices Bldgs.,
Park Town, Madras-600003. ... Applicant/1st Respondent

Vs.

1. K.Radhakrishnamurthy,
S/o K.Somaiah,
HSK Gr.II Fitter, T.No.25,
Train Examiner Office,
Machilipatnam,
Krishna District. ... Respondent 1/Applicant
2. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. The Senior Divisional
Personnel Officer,
S.C.Rly.,
Vijaywada. ... Respondents 2 & 3/
Respondents 2 & 3.

Counsel for the Applicant/
1st Respondent ... Shri S.Narasimhan

Counsel for Respondent 1/
Applicant ... Shri P.Krishna Reddy

Counsel for Respondents 2&3/
Respondents 2 & 3 ... Shri W.Satyanarayana for
Shri N.R.Devaraj, SC for Rly

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri R.Rangarajan : Member (A)

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following order is passed.

2. The O.A. is disposed of in terms of the order dated 2.2.96. Although the instant order is being passed in terms of the said order, this will be treated as a fresh order in terms of para 2 to para 4 of the earlier order. We are, however, modifying the direction as was earlier given. We hereby order that the Chairman of RI Society shall take a decision in terms of the directions contained in the order in para 4 of the earlier order which shall be now read as part of the instant order, within a period of four weeks from the date of receipt of this order. It is left open to the Chairman to take such decision as he considers suitable in the matter. If either the Applicant or the Respondent No.1 and for that matter the official Respondents is aggrieved by the decision of the Chairman it will be open to the parties to adopt in accordance with the law. We restore the order to the effect that pending consideration of the matter by the Chairman of RI Society the impugned recovery in regard to the alleged TV loans from the salary of the Applicant shall stand stayed. This order shall be read in continuation of the earlier interim order.

Chennai
(R.R. Mangarajan)
Member (A).

M.G.Chaudhary
(M.G.Chaudhary)
Vice-Chairman.

Open Court dictation.
br.

Hyderabad
Deputy Registrar (O) C.C.

M.A. 270/96 in
O.A.90/96 and
O.A.90/96.

To

1. Sri K.Radhakrishna Murthy,
HSK Gr.II Fitter, T.No.25
Train Examiner Officer,
Machilipatnam, Krishna Dist.
2. The Chief Personnel Officer, Railnilayam,
SC Rly, Secunderabad.
- 2 The Senior Divisional Personnel Officer,
SC Rly, Vijayawada.
3. One copy to Mr. P.Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.S.Narasimhan, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC fir Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

for C.R.D.
pvm

8/4/96

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.~~M.RAJENDRA PRASAD~~ M(A)

Dated: 3/4/1996

ORDER/JUDGMENT

M.A/R.A./S.A.No. 270/96

in

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90/96

T.A.No.

(w.p.)

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