

Annexure VIII
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1441/95.

Dt. of Decision : 5-12-95.

1. K.Somanna
2. Sk.Jani Basha
3. J.Mallaiah
4. Md.Baba Ahamad Hussain
5. K.Devaiah
6. Sk.Ismail
7. S.Subba Rao
8. G.Sreenivasa Rao
9. M.Upendra Das
10. M.Narasimhulu
11. B.V.Nageswara Rao
12. B.Prabhakara Rao
13. B.Gurumurthy
14. Ch.Ramachandra Rao
15. M.Ramalinga Charyulu
16. K.Venkata Ramana

.. Applicants.

Vs

1. The Railway Employees Co-operative Credit Society Ltd., rep. by its Secretary, Park Town, Madras-600 003.
2. The General Manager, Southern Railway, Madras.
3. The Chief Personnel Officer, SC Rly, Rail Nilayam, Sec'bad.
4. The Sr.Divl.Personnel Officer, SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicants : Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

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

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

ORDER

As per Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.R. Devraj, learned Standing Counsel for the respondents.

2. This OA was filed praying for a direction to the respondents not to make any recoveries against the applicants pending enquiry into withdrawals of money in the name of the applicants towards alleged loans for purchase of TVs and for return of the amount already recovered, from the salary for the month of October, 1995.
3. The applicants who are now working in the Vijayawada Division of the SCRLy, are members of the Railway Employees' Co-operative Credit Society Limited, Madras (R1) as Vijayawada Division was part of Southern Railway before it was merged with South Central Railway.
4. The plea of the applicants is that by forging their signatures, some persons might have purchased the TVs from R1 on credit and when the recovery was started from the month of October, 1995, they had given complaints and R CBI is investigating into the same.
5. Ofcourse, if in fact some one had fraudulantly purchased the TVs by forging the signatures of the applicants, then the recovery will naturally cause hardship to the employees (applicants herein). But, if in fact, the applicants themselves had purchased the TVs and they are coming up with a ~~ix~~ false plea, then the delay in the recovery will hamper the loan facility to be given by R1 Society.

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6. Hence, we feel that it is just and proper to dispose the OA as under:

"The Chairman of the Managing Committee of R1 Society (as he is an officer of the Railways nominated by the General Manager) has to look into the allegations of the applicants 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 applicants, the applicants have to be informed accordingly and then they (the applicants) are free to move this Tribunal under Section 19 of the AT Act if they are so advised.

Pending consideration of the allegations of the applicants by Chairman of Managing Committee of R1 Society, the impugned recovery in regard to the alleged TV loans from the salary of the applicants is suspended. It is needless to say that, in case it is going to be found ultimately that the applicants have purchased the TVs from R1 by taking loans, 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 applicants had not purchased TVs by securing loans from R1, then the amount that was recovered from the salary of the applicants for the month of October, 1995 and if any from Salary for November, 1995, has to be refunded to the respective applicants."

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

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

18/12/95

To

1. The Secretary, Railway Employees Co-operative Credit Society Ltd., Park Town, Madras-3.
2. The General Manager, Southern Railway, Madras.
3. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
4. The Sr.Divisional Personnel Officer, S.C.Rly, Vijayawada.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One sparecopy.

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P. S. S. S.

Canal to Applicant

18/12/95
18/12/95
18/12/95
18/12/95

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O.A.287/97

To

1. The Chairman, Railway Employees Co-operative Credit Society Ltd. Park Town, Madras-3.
2. The Chief Personnel Officer, SC Rly, Railnilayam, Secunderabad.
3. The Sr.Divisional Personnel Officer, SC Rly, Vijayawada.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to SC for Rlys, CAT.Hyd.
6. One spare copy.

pvm.

I COURT

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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. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 11-3-1997

ORDER / ~~JUDGMENT~~

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

in

O.A.No.

287197

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

