

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 491/97

Date of decision: 4.6.97

Between:

N. Thippa Naik ... Applicant

And

1. Railway Employees Co-op. Credit
Society Ltd., rep. by its Chairman,
Park Town, Madras.

2. Chief Personnel Officer,
SC Railway,
Secunderabad.

3. Sr. Divisional Personnel Officer,
SC Railway,
Vijayawada.

... Respondents

Shri P.Krishna Reddy ... Counsel for applicant

Shri N.R.Devaraj, SCGSC ... Counsel for R2&3

Shri S.Narasimhan ... Counsel for R-1

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *8/6*

O R D E R

Heard Shri P.Krishna Reddy for the applicant, Shri S.Narasimhan for R-1 and Shri NR Devaraj for R-2&3.

2. Respondent-1 has since filed a counter-affidavit in this case. Paragraphs 4 and 5 are as under:-

"4. The Respondent submits that on 8.11.95 the applicant represented to the Secretary that he has not availed any consumer loan from the Society and the application was not a genuine one. Thereafter the Society requested the third Respondent to stop recovery from the applicant's salary and accordingly recovery was stopped from November 1995. While recovering the outstanding under Consumer Loan, the Society by mistake issued demand notice in February 1997 by treating the case as bad one and the third Respondent made recovery in February 1997. Now the Society has officially issued stop recovery advise to stop the recovery from May 1997 onwards and the Society has not received the recoveries so far made in full and even if it is received it will be kept under suspense account till the criminal case CC No 1/96 pending before the VII Metropolitan Magistrate Court, George Town, Chennai-1 is over.

5. The Respondent submits that on the complaints received from certain members in Guntur and Vijayawada areas, the Society filed a private complaint before the VII Metropolitan Magistrate, George Town, Chennai-1 and as per his directions the CBI of Police Department, Chennai investigated thematter and filed a case CC No.1/96 before the above Court and it is pending. It is also learnt that certain officers of the third Respondent department were arrested and later on released on bail by the above said Court. Until the Criminal case is over, the Society may not be in a position to refund the amount so far. It will be kept under suspense account of the member. As already ordered in OA 1441 of 1995 and 1553/1995 by this Hon'ble Tribunal, the recoveries were stopped and if a prima facie case is found out it will refund the amount so far recovered from the applicant and other members and no case is made out, action will be taken to commence the recoveries with interest as directed. Till such time, the Society is unable to do anything in the matter."

3. In the light of what has been stated above the reliefs claimed by the applicant stand automatically conceded. Nothing, therefore, survives in the OA as regards the main relief sought. The only remaining question is regarding the refund of recoveries already made. It is mentioned on behalf of R-1 that he has not so far received any amount recovered from the salary of the applicant. While this is so, the applicant states that certain amounts were recovered between February and April, 1997, totalling approximately Rs. 1200/-. It is therefore directed that if any recoveries have indeed been made from the salary of the applicant between February-April, 1997, the same shall be refunded to the applicant by Respondent-3. This shall be done within 30 days from the date of receipt of these orders.

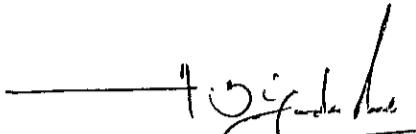
4. It is, however, also made clear that, should the criminal case eventually result in a verdict against the applicant, the respondents shall be free to re-initiate the process of recovery of such amounts as may be found necessary at that point of time without regard to any limitation, or

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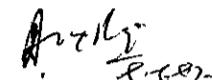
(17)

currency of
the period of any bond stated to have been executed
by the applicant in connection with the alleged grant of loan.

Thus the OA is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (Administrative)

4th June, 1997


Deputy Registrar (J)cc

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(B)

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O.A.491/97.

To

1. The Chairman, Railway Employees Co-op.Credit Society Ltd., Park Town, Madras.
2. The Chief Personnel Officer,
SC Rly, 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 Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Mr.S.Narasimhan, Advocate, CAT.Hyd.
7. One copy to Hon'ble Member(A) CAT.Hyd.
8. One copy to D.R.(A) CAT.Hyd.
9. One spare copy.

pvm.

SPR
9/6/97

COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
and

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

Dated: 4-6-1997

ORDER/JUDGMENT

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

in

O.A.No. 491/97

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

