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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.223/96

Date of order: 5.10.1998

Devi Prasad Sharma, S/o Shri Parmanand Sharma, aged 58 years, R/o House No.364/22, Shiv Nagar, Bhariganj, Ajmer.

...Applicant.

Vs.

1. The Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. District Electrical Engineer (Prod.), Western Railway, Ajmer.

...Respondents.

Mr.R.D.Tripathi - Counsel for applicant.

Mr.B.S.Mathur - Counsel for respondents.

CORAM:

Hon'ble Mr.Ratan Prakash, Judicial Member.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

Applicant herein Devi Prasad Sharma has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, to seek a direction against the respondents to pay him Rs.3000/- alongwith interest at the rate of 18% per annum till the date of actual payment which is said to have been unlawfully deducted out of his retirement benefits.

2. I heard the learned counsel for the parties and have perused the record.

3. The stand of the respondents has been that the applicant on retirement after his superannuation on 30.6.95, did not handover a proper charge of the items in his possession as shown in the statement prepared on 15.6.95 (Annx.R1). He was thereafter asked to give an explanation to justify the shortage. He having failed to satisfy the respondents, an amount of Rs.3000/- has been withheld from the amount payable to him on account of his retirement benefits. It is argued by the learned counsel for the applicant that the items were duly handedover to his successor in the office. However, the parties have failed to produce the handingover/takingover charge report about the items which are said to be in shortage by the respondents.



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4. Accordingly, as per the directions given on 27.7.98, one Shri M.D.Sharma, District Electrical Engineer (Production), filed an affidavit on 18.4.98, indicating therein that after verification, an amount of Rs.658/- has to be recovered for the items which have not been deposited by the applicant at the time of his superannuation. Alongwith this affidavit a statement has also been filed duly signed by Shri M.D.Sharma in which an amount of Rs.658.85 is shown to be the face value/cost of the items listed therein.

5. In view of the above and finding that only an amount of Rs.658.85 has to be recovered from the applicant by the respondents, the respondents have to be given a suitable direction about the rest of the amount which has been with-held by them.

6. Accordingly, the respondents are directed to pay back to the applicant an amount of Rs.234/- ~~withheld~~ deducted from the payments which were payable to the applicant, within one month from the date of this order. The applicant shall not be paid any interest on the aforesaid amount which has to be paid by the respondents.

7. The O.A stands disposed of accordingly with no order as to costs.



(Ratan Prakash)

Judicial Member.