

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 6.9.2004

ORIGINAL APPLICATION NO. 83/2003

S.C. Johar son of Shri H.L. Johar aged about 61 years, resident of 9, Harsh Vihar, Jaipur Road, Ajmer. Retired on 31.10.2002 from the post of Sr. Section Engineer (P.way) Rani (Pali) under Divisional Railway Manager, Ajmer.

,Applicant

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. Dy. Chief Accounts Officer (Work Shop and Stores), C/o Chief Works Manager, Loco Shop, North Western Railway, Ajmer.
4. Sr. Divisional Engineer (South), North Western Railway, Ajmer.

....Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr. N.C. Goyal, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

(i) That entire record relating to the case be called for and after perusing the same respondents may be directed to release retiral dues already sanctioned

with interest @ 12% p.a. from the date of due till payment by quashing charge Memo dated 29.10.2002 (Annexure A/1) and letter dated 23.10.2002 (Annexure A/2).

(ii) That the respondents be further directed to not to recover any amount from the applicant against any shortage by quashing letter dated 17.9.2002 (Annexure A/5) with the any other subsequent order passed by the respondents.

(iii) Any other order/direction of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.

(iv) That the cost of this application may be awarded."

2. Annexure A/1 is charge memo dated 29.10.2002 whereas letter dated 23.10.2002 (Annexure A/2) is based on letters dated 12.4.1996 and 20.4.1996, which is subject matter of charge sheet dated 29.10.2002 (Annexure A/1). The learned counsel for the applicant has brought to our notice order dated 03.09.2004 whereby the impugned order sheet has been dropped. Let the copy of this order be placed on record.

3. The learned counsel for the applicant submits that because the impugned charge sheet (Annexure A/1) has been dropped and since Annexure A/1 is based on Annexure A/2, the respondents cannot effect recovery from him. It is further argued by the learned counsel for the applicant that in view of this subsequent development, the amount of pensionary benefits which has been with-held by the respondents cannot be now legally retained and ought to have been released to the applicant.

4. Since this case relates to quashing of Annexure A/1 and Annexure A/2 and the Department themself has dropped the proceedings, as such the present OA has become infructuous. Under these circumstances, we see no reason why the respondents shall not release the with-held amount to the applicant in view of the subsequent development whereby the charge sheet based on shortage in stock sheets which formed part of charges have been dropped after holding inquiry in case amount has been with-held solely on this account.

5. With these observations, the OA is disposed of accordingly. In case the applicant is still aggrieved by non-release of ^{in held} amount/pensionary benefit, liberty reserved to him to agitate the matter further in accordance with law. No costs.


(A.K. BHANDARI)

MEMBER (A)


(M.L. CHAUHAN)

MEMBER (J)

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