

50/100  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO.4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O R D E R S H E E T

333/04

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: R. N. Khan

K. U. I. Sarkar

Respondents

Advocates for the Applicant: Mr. U.K. Nair

Advocates of the Respondents: Railway Counsel

Notes of the Registry

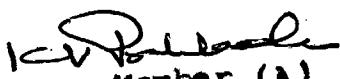
Date

Order of the Tribunal

23.12.2004

Heard Mr. U.K. Nair, learned  
counsel for the applicant and also Mr.  
J.L. Sarkar, learned counsel for the  
respondents.

List on 24.1.2005.

  
K.V. Prahadan  
Member (A)

Present: The Hon'ble Mr. K.V. Prahadan, Member (A).

  
Heard Mr. U.K. Nair, learned  
counsel for the applicant and also  
Mr. J.L. Sarkar, learned counsel  
for the respondents.

On the plea of learned counsel  
for the applicant, list on 23.3.05.

  
K.V. Prahadan  
Member (A)

29.3.05. Present: Hon'ble Mr. Justice S. Sivarajan  
Vice-Chairman.

It is the grievance of the applicant that without making any proper adjudication purportedly towards loss of stock found by the Respondent, the Respondent authorities deducted a sum of Rs. 54,000/- from the salary of the applicant. The applicant has filed representations dated 15.5.98 (Annexure 9), 28.9.01 (Annexure 10) and 26.2.2002 (Annexure 11) before the Divisional Railway Manager, N.E.Railway, Lumding, but no decision has been taken on the said representations. Mr. U.K. Nair, learned counsel for the applicant submits that the Respondents had recovered entire amount from the salary of the applicant without taking any decision on the representation submitted by the applicant. Mr. J.L. Sarkar, learned counsel also heard for the Respondents. Since the recovery have been fully effected from the salary of the applicant. In view of the fact that representations submitted by the applicant are pending, the application can be disposed of by directing the 3rd Respondent to dispose of the representations dated 15.5.98 (Annexure 9), 28.9.01 (Annexure 10) and 26.2.2002 (Annexure 11) as expeditiously as possible at any rate within a period of two months from the date of receipt of the copy of this order accordingly. The applicant will produce the copy of this order before the 3rd Respondent for compliance.

A copy of this order be furnished to the learned counsel for the Respondents also.

Application is disposed of.

*S. Sivarajan*  
Vice-Chairman

1.4.05  
Copy of the order dated  
29.3.05 handed over  
to the L/Advocates for  
the parties and a copy  
of the same has been  
sent to the Office of the  
Secretary to the Respondents  
by post.

1m

22/12/2004  
Central Administrative Tribunal

22 DEC 2004

Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

Q.A. No. 333 of 2004

Shri Rakesh Nath Khare

... Applicant

-VS-

The Union of India & Ors

... Respondents

#### SYNOPSIS

The applicant has by way of this application assailed the arbitrary and illegal action on the part of the authorities in proceeding to deduct an amount of Rs.54,000/- from the salaries purportedly towards loss of stores without however ascertaining the fact as to whether the said loss had occasioned due to the fault of the applicant. The period during which the loss had taken place the applicant was not in charge of the stores in question and had been given the charge of the said stores with the shortages for which he has now been penalised. The repeated requests of the applicant for an enquiry into the matter for ascertaining as to whether the applicant is guilty for the said losses has failed to evoke any response. Further, deductions were made towards recovery of the said amount without any notice and without affording an opportunity of hearing to the applicant. Left with no other alternative the applicant has come under the protective hands of your lordships praying for redressal of his grievances.

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH  
GUWAHATI

D.A. No. of 2004

Shri Rakesh Nath Khan, .

... Applicant

- Vs -

The Union of India & Ors.

... Respondents

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Filed by: U.K. NAIR

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GAUHATI BENCH  
GUWAHATI

O.A. No :- /200

BETWEEN

Sri Rakesh Nath Khare  
Son of K.N. Khare  
Section Engineer, N.F. Railways,  
Jagiroad, Assam

..... **Applicant.**

-AND-

- 1) The Union of India, represented by  
the Secretary to the Government of India,  
Ministry of Railways, Rail Bhawan, New Delhi.
- 2) The General Manager, N.F. Railways,  
Maligaon, Gauhati.
- 3) The Divisional Railway Manager, N.F. Railway,  
Lumding, Assam.
- 4) The Senior Divisional Engineer, N.F. Railway,  
Lumding, Assam.
- 5) The Divisional Railway Manager (P), N.F. Railway,  
Lumding, Assam.

..... **Respondents**

5  
Filed by :  
Rakesh Nath Khare  
-- Applicant  
Jhogni, Krishnan Nair, Advocate  
Unn,

**DETAILS OF THE APPLICATION****1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is directed against the arbitrary and illegal action on the part of the Respondent authorities in proceeding to deduct a sum of Rs. 54,000 (Rupees fifty four thousand only) from the salaries of the applicant, purportedly towards loss of stock, without any notice and/or affording an opportunity of hearing to the applicant. This application is also directed against the inaction on the part of the authorities in taking steps to determine as to whether the loss of stock was attributable to the applicant.

**2. JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

**3. LIMITATION**

The applicant further declares that the application is filed within the limitation period prescribed under Section 21 of Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE**

**4.1.** That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the constitution of India and the laws framed there under.

**4.2.** That the applicant is presently posted as Section Engineer, Jagiroad under the control of the Respondent No. 3. The applicant since the date of his initial entry into service under the Respondents have been discharging the duties assigned to him to the best of his ability and without blemish to any quarter.

**4.3** That your applicant states that while posted as Inspector of works /Gr.III/KXJ, he was vide order dated 10.5.94 directed to take over the charge of the

stores and other establishments attached to the post of CIOW/ Karimganj. As the predecessor of the applicant in the post of IOW/ Karimganj had proceeded on retirement without handing over the charge of the stores attached to the establishment of IOW/KXJ, a committee consisting of three senior officers of N.F. Railways was constituted for the purpose of stock taking. The applicant was to be handed over charge of the said post and the establishments attached to it including the stores, by the committee after completion of the stock taking exercise.

A copy of the order-dated 10.5.94 is annexed herewith and marked as Annexure - 1.

4.4 That the committee as constituted, consisting of a) The Asstt. Engineer / II/ Badarpur Ghat, b) Inspector of works/ Gr.I/ Sharum Nagar and c) The Senior Electric Foreman, Badarpur, with able support and assistance of the applicant, proceeding with the task of ascertaining the stock position of the stores attached to the post of IOW/ KXJ. Upon completion of the task of stock taking, the committee handed over the charge of the stores attached to the said post to the applicant on 30.6.94.

4.5 That the stock position as was brought out in the stock taking exercise as initiated by the said committee was posted in the stock Register. The Storage/ excess as was found was duly communicated to all concerned by the applicant and the same was also recorded by the said committee in its report. The storages as was detected during the said stock taking exercise, had arisen during the tenure of the applicants predecessor in the post of IOW/KXJ, Shri P.P. Dhar Ex-IOW/ KXJ. The applicant had taken over charge of the said stores with the said storages.

4.6 That after taking over of charge by the applicant of the said stores, further verification of the stores was conducted in the month of December, 1995 and the shortages as was highlighted in the report of the said committee while handing over the charge of the stores to the applicant, was again projected in the stock sheet in pursuance to the verification of stores as carried out in December 1995. the shortages as noted during the stock verification as carried out in the month of December pertain to the shortages that had already taken place before the applicant had taken over charge of the said stores.

4.7 That your applicant states that, poised thus he was shocked and surprised to learn that an amount of Rs. 1500/- was to be deducted from his salaries for the month of March 1997. Such recovery was being effected without disclosing the reason for the same and without giving to the applicant an opportunity of hearing. Accordingly, the applicant vide his representation dated 29.3.97 drew the attention of the Respondent No. 5 to the illegality being committed against him in proceeding to deduct a sum of Rs. 1500/- from his salaries for the month of March 1997 without any rhyme and reason. The applicant prayed for stopping the purported recovery and for payment of the amount recovered.

A copy of the representation dated 29.3.97 is annexed herewith and marked as Annexure - 2.

4.8 That the deductions as was made in the salaries of the applicant for the month of March, 1997 was continued thereafter in the subsequent months and the applicant was communicated with a copy of a communication dated 27.3.97, wherein direction for recovery of an amount of Rs. 54,000/- from his salaries was ordered. The loss of stock for which the recovery was initiated, had not occurred during the tenure of the applicant, but had occurred during the tenure of his predecessor in office, Shri P.P. Dhar. Such direction came to be issued basing on the shortages as detected during the stock verification carried out in the month of December 1995 and without tallying the stock position as brought out then with the stock position as reflected in the stock taking exercise as carried out by the committee prior to handing over the charge of the said stores to the applicant.

A copy of the communication dated 27.3.97 is annexed herewith and marked as Annexure -3.

4.9 That on receipt of a copy of the Annexure - 3 communication dated 27.3.97, the applicant vide his representation dated 1.4.97 clarified the matter and inter alia, stated therein that the shortage as reflected in the stock register for the period 24.7.95 to 11.10.95 and 12.12.95 to 19.12.95, had existed before he had taken over charge of the stores in question and he had taken over the charge of the stores with the said shortages. It was also highlighted that the shortages in question were also reflected in the charge handing over sheet as prepared by the Spl. Committee constituted for the purpose of handing over to him the charge of the said stores. Accordingly, the applicant prayed for an examination of the matter and for stopping the recovery being effected.

A copy of the representation-dated 1.4.97 is annexed herewith and marked as Annexure - 4.

4.10 That in pursuance to the representation dated 1.4.97 as preferred by the applicant, the Respondent No: 3 vide his communication dated 11.4.97, intimated to the applicant that the recovery was initiated in terms of the minutes of the joint meeting held on 19.7.97 and enclosed a copy of the minutes of the said meeting. The applicant clarified the matter vide his representation dated 30.5.97 and therein reiterated the contention as made by him in his representation dated 1.4.97. The applicant also enclosed along with his said representation the stock position statement as prepared by the said committee. In his representations the applicant had highlighted the fact that the shortages for which recoveries have been directed to be effected from his salaries existed before his taking over the charge of the said stores.

A copy of the communication dated 11.4.97, minutes of the joint meeting held on 19.7.97 and the representation dated 30.5.97 are annexed herewith and marked as Annexure - 5,6 and 7 respectively.

4.11 That your applicant states that, in pursuance to his representation dated 30.5.97 the Divisional Engineer/II, Lumding vide his communication dated 19.6.97 directed the applicant to submit the relevant documents in connection with the stock sheets for taking further action in the matter. The applicant as directed, proceeded to furnish the relevant materials for the purpose of arriving at a just and fair decision in the matter.

A copy of the communication dated 30.5.97 is annexed herewith and marked as Annexure - 8.

4.12 That your applicant states that inspite of the fact that the stock position as inherited by the applicant tallied with the stock position as reflected in the month of December 1995, the authorities failed to stop the recovery being effected from his salaries. As such the applicant vide his representation dated 15.5.98 drew the attention of the Respondent No : 4 to the factual position as existing in the matter and prayed for stopping of the recovery as being effected from his salaries.

A copy of the representation dated 15.5.98 is annexed herewith and marked as Annexure - 9.

4.13 That your applicant states that the authorities inspite of being made aware about the actual factual aspect of the matter failed to take a decision in the matter and the applicant continued to suffer for no fault of his. The deduction as being effected continued till the month of February 2000 and the amount of Rs. 54,000/= came to be recovered from the salaries of the applicant. The applicant was discriminated against inasmuch as he had been forced to make up for the loss of stores despite the fact that the shortage had not occurred during his tenure. It is the admitted position, that the shortage for which recovery has been effected from the salaries of the applicant had existed even before the applicant had been given the charge of the said stores and this position is reflected in the stock statement as prepared by the committee constituted for the purpose of handing over the charge of said stores to the applicant.

4.14 That the applicant being aggrieved by the illegal deprivation being meted out to him and in continuation of his earlier appeals again preferred representation dated 28.9.01, praying for redressal of his grievances. The applicant again vide his representation dated 26.2.02 expressed his grievances at the delay occasioning in taking a decision in the matter by the authorities.

A copy of the representation dated 28.9.01 and 26.2.02 are annexed herewith and marked as Annexure - 10 and 11 respectively.

4.15. That your applicant states that prior to handing over of the charge of the said stores to him a stock taking exercise was carried out by the authorities and he was handed over the charge of the same by the committee constituted for the said purpose. The shortages as was available at the time of taking over of charge of the stores by the applicant and which was noticed and recorded by the said committee, again was reflected in the stock taking exercise undertaken in the month of December, 1995. The respondent authorities basing on the stock sheets prepared after the stock taking exercise carried out in the month of December, 1995 proceeded to direct recovery from the salaries of the applicant for the loss occasioning to the Railways for the shortages as was detected in the stores without

however taking note of the fact that the said shortages had occurred before the taking over of charge of the stores by the applicant. It is the admitted position that the shortages for which the applicant has been penalised had not occurred during his tenure and had occurred during the tenure of his predecessor in office. As such the applicant has been forced to suffer for no fault on his part.

**4.16.** That the applicant submits that had the Respondent authorities acted in the manner fairly there would have arisen no occasion for imposing upon the applicant any penalty. The Respondent authorities acted in the matter without any application of mind and while proceeding to direct recoveries to be effected from the applicant failed to take into consideration the report prepared by the said committee as regards the stock position at the time of handing over the charge of the said stores to the applicant. Further, no proceeding whatsoever was initiated by the authorities to ascertain the involvement of the applicant in the matter of loss of stock. The failure on the part of the Respondent authorities in not taking into consideration the materials vital of the purpose of arriving at a just and fair decision in the matter resulted in the applicant being imposed with penalties for no fault on his part.

**4.17.** That this application is being filed bonafide for securing the ends of justice.

#### **5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:**

**5.1.** For that the impugned action on the part of the Respondent authorities is arbitrary, illegal and violative of the principles of natural justice.

**5.2.** For that the applicant has been penalised in the matter by the Respondent authorities without however determining his liability in the matter by initiating a departmental proceeding. The recoveries being effected from the salaries of the applicant were so effected without affording to the applicant an opportunity

of hearing and he came to be penalised for no fault of his. As such the impugned actions on the part of the respondent authorities are bad in law and liable to be set aside and quashed.

5.3. For that before proceeding to act upon the stock sheets as prepared in pursuance to the stock taking exercise carried out in the month of December, 1995, the respondent authorities miserably failed to take note of the stock position that existed at the time of handing over of charge of the said stores to the applicant inasmuch as at that relevant point of time also the shortages as recorded in the month of December, 1995 existed and this aspect of the matter was also duly noticed by the committee constituted for the purpose of handing over of charge of the said stores to the applicant. The failure of the applicants to take into consideration relevant materials for the purpose of arriving at a just and fair decision in the matter has caused irreparable loss and injury to the applicant. As such the impugned actions on the part of the authorities are void ab-initio.

5.4. For that in any view of the matter the impugned actions on the part of the Respondent authorities cannot be sustained and are liable to be set aside and quashed.

#### 6. DETAILS OF THE REMEDIES EXHAUSTED:

The Applicant declares that he has no other alternative and efficacious alternative remedy except by way of filing this application.

#### 7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

**8. RELIEFS SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs:

- 8.1 To declare the action on the part of the Respondent authorities in proceeding to recover an amount of Rs. 54,000/- (Rupees Fifty Four Thousand) from the salaries of the applicant as illegal.
- 8.2 To direct the Respondent authorities to repay to the applicant the amount of Rs.54,000/- recovered from his salaries along with interest @12% w.e.f the date of effecting the said recovery till the date of repayment of the same.
- 8.3 Cost of the application.
- 8.4 Any other relief/reliefs to which the applicant is entitled.

**9. INTERIM ORDER PRAYED FOR:**

In the facts and circumstances of the case the applicant does not pray for any interim direction.

10. ....

**11. PARTICULARS OF THE I.P.O:**

i) I.P.O No. : 204135913

ii) Date : 21.12.04

iii) Payable at : Guwahati.

**12. LIST OF ENCLOSURES:**

As stated in the Index.

VERIFICATION

I, Shri R.N. Khare, aged about 45 years, son of K.N.Khare, resident of Jagiroad, Assam , applicant in the accompanying application do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3, 4.1, 4.2, 4.4, 4.5, 4.6, 4.7 ✓ 4.9, 4.12, 4.13, 4.14, 4.15 and 5 to 12 are true to my knowledge ; those made in paragraphs 4.3, 4.8, 4.10, and 4.11 being matters of record are true to my information derived there from and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 28/11 day of November, 2004.

Rakesh Nath Khare

ANNEXURE -1

N.F. RAILWAY.

Office of the Divisional Rly.  
Manager (Works) Lumding.

OFFICE ORDER

Shri R.N. Khare IOW/ Gr. III/ KXJ is hereby posted as L.O.W/Karimganj. He will take charge of establishment, Stores and others under the jurisdiction of CIOW/ KXJ.

This has the approval of Sr. DEN/LMG

Divisional Engineer (II),  
Lumding.

No. W/ 349/ LM/ IV/ I/ W-3/ 132

Dated 10.5.94.

Copy is forwarded for information and necessary section please.

- (1) AEN/ II/ BPG. He is requested to guide the committee in the above stock taking. He is to fix up the date for committee for taking over the above stock. The committee formed earlier will remain as it is and handover the charges of IOW to Shri R.N. Khare instead of Shri S.K Roy, Order earlier.
- (2) IOW/ Gr. I/ IM3. He is requested to witnessing the taking over the charge of stores of Ex- CIOW/ KXJ.
- (3) Sr. EF/ BPB. He is requested to associate with the above stock Taking.
- (4) Sr. DEN/ LMG. He is requested to direct Shri K.R. Chowdhury, Sr., EF/ BPB to associate with the above stock Taking on the date.

For Divisional Rly. Manager (Works).  
Lumding.

Reheated  
Anil Jodar  
Advocate

ANNEXURE - 2

To :

DRM/ P/ LMG.  
N.F.Railway.

Subject : Recovery of Rs. 1500/- from monthly Salary.

Sir,

I have the honour to inform you that it is very much astonishing that an amount of Rs. 1500/- was deducted against recovery from my salary bill for the month of March 97 without any prior information. The cause of my recovery was also not intimated to me. So for my knowledge goes there is no such recovery against me.

Hence you are requested to stop the recovery immediately and arrange to pay the recovery already made from my salary.

Yours Faithfully.

Copy to :- DEN/ II/ LMG for information and necessary action please.

Yours faithfully

R.N.Khare  
10W/ II/ KXJ

Attested  
Anu. Kumar  
Advocate

31.3.97

-14-

Annexure - 3

N.P. HALLWAY.

Office of the  
Divisional Mly. Manager(Works),  
Lumding. 95

No. W219/LW1/IOW/M88/H-3. /27/ Dated : 27-3-77,

To:  
DPO/LMG.

Sub:- Recovery of an amount of Rs. 54,000/-  
against Stock Sheet No. S/1/1 to  
S/1/25 dated 24.7.95 to 11.10.95,  
and S/1/1 to 47 dt. 12.12.95 to 19.12.95.

Minutes of the 7th Meeting held in the Chamber of  
Sr. DEV/LMG with ADAV/LMG and Sr. ISAV/LMG is furnished  
below for necessary action please.

\* The Stock Sheet made against IOW/KXJ along with  
the remarks. The cost involves against an amount  
of Rs. 54,000/- may be deducted from Salary of  
Shri. R.N. Khare, IOW/III/KXJ.

In view of the above, you are requested to  
recover Rs. 54,000/- from his Salary as per above Minutes with  
intimation to the office as well as to the FA&CIO/SV/LMG  
so that the Stock Sheet may be closed.

for Divl. Mly. Manager(Works),  
Lumding.

Copy to IOW/KXJ for information please.

Copy to GM(W)MLG for information and necessary action  
please.

Copy to DPO/LMG for information please

26/3/97  
for Divl. Mly. Manager(Works),  
Lumding.

Attached  
X  
X  
X  
X

ANNEXURE - 4

To: DRM/ W/ LMG  
N.F. Railway.

Date :- 07.04.97

Subject: - Recovery of an amount of Rs. 54,000/- against stock sheet No. S/ 1/ 1 to S/1/25 dated 24.7.95 to 11.10.95 and S/1/1 to 47 dated 12.12.95 to 19.12.95.

Reference: - Your L/ No: W/ 219/ LM/ I/ IOW/ MBS/ W-3/ 276 dated 27.3.97.

Sir,

Most humbly and respectfully I have the honour to state that your above letter was received on 31.3.97. I could not agree with the contents of the letter. The stock verification was done during my tenure and above stock sheet was framed in my period and also signed by me with due remarks in right hand side of the stock sheet. The short/ excess which were projected in stock sheet was actually not occurred during my working period. My predecessor Shri P.P. Dhar retired from service without handing over the charge of stocks. After a lapse of about 3/ 4 months a special committee was framed by Sr. DEN/ LMG for handing over the stores of Sri P.P. Dhar Ex-CIOW/ KXJ. Accordingly the special committee after physical verification of stock handed over the stores of IOW/ KXJ to me, during which there was short/ Excesses of material which was projected in handing over sheet and submitted to you vide this office L/ No: 5/9 dated 01.7.96. Subsequently during my working period as IOW/ KXJ stock verification from store department was done in the month of December 95 and the shortage/ excesses of material, which was shown during the period of Sri P.P. Dhar Ex-CIOW/ KXJ in handing over/ taking over of charge through spl. Committee was projected in stock sheet under reference.

So, the recovery against stock sheet under reference should not be raised against me. The actual short/ excess is during the period of Sri P.P. Dhar and the above recovery should also be raised against Sri P.P. Dhar.

Hence you are requested to go through the matter and arrange to waive up the recovery from my shoulder and stop the recovery immediately. The action taken may kindly be intimated to me.

Yours faithfully.

R.N. Khare

IOW/ II/ KXJ

Copy to: For information & n/a please.

1. GM/ W/ MLG
2. FA & CAO/ SV/ MLG
3. DEN/ II/ LMG
4. DRM/ P/ LMG-For information and he is requested to stop recovery immediately

Yours Faithfully.

R.N. Khare

IOW/ II/ KXJ

*Attested  
Anil Jadhav  
Advocate*

ANNEXURE -5

NO. W/ 219/ LM/ II/ I/ Pt-III/ W-3/ 165

Office of the DRM (works)  
LMG, N.F. Railway

Dated :- 11/21-4-97

To,

Shri R.N. Khare  
IOW/ KXJ.

Sub:- Recovery of an amount of Rs. 54,000/- against your S/ Sheet No. S/1/1 to S/1/25  
dt. 24.7.95 to 11.10.95 & S/1/1 to S/1/47 dt 12.12.95 to 19.12.95

Ref:- Your letter No. NIL dt. 01.4.97.

In reference to you letter under refer it is to inform you that the recovery was made as per  
Jt meeting held on 19.2.97 with Sr. DEN/ LMG, ADAO/ LMG and Sr. ISA/ Hd. qrs.  
Xerox copy enclosed here with for your information.

DA : 1 (one) Xerox copy enclosed.

Sd/- illegible

For DRM (W) LMG.  
N.F. Railway.

Attested  
J. M. J. J. J.  
Advocate

ANNEXURE -6

Minutes or the joint Meeting held on 19.2.97 with Sr. DEN/ LMG,  
ADAO/ LMG and Sr. ISA/ Hd. Qr.

(1) .....

(2) .....

(3) IOW/ KXJ- S/1/1 to S/1/25 dated 24.7.95 to 11.12.95

The duplicate copy of the stock sheet along with the remarks was sent to FAR CAO/ LMG vide this office letter No. W/ 219/ LM/ 1/ KXJ/ W-3/ 05 dated 1.8.96. The shortage against the stock sheet comes to Rs. 54,000/- (Rupees fifty four thousand) only for which Shri R.N Khare, IOW/ III/ KXJ was made responsible. Arrangement may please be made for early recovery of the amount from Shri R.N.Khare, IOW/III/KXJ under intimation to FA & CAO/ SV/ LMG for the closure of the stock Sheet.

Recovery will be start from March, 97 in installments.

(4) .....

(5) .....

(6) .....

(7) .....

Sd/-illegible  
R. Das.  
ISA/ Hd. Qr.  
LMG.

Sd/-illegible  
S.K. Dutta.  
ADAO/ LMG.

Sd/-illegible  
S.C. Rajak.  
Sr. Den/

Attested  
Anil. Dabir  
Advocate

Minutes of the Joint Meeting held on 19.2.97 with Sr. DEVL MG,  
ADAO/LMG and Sr. I. S. A./Hd. Qr.

(1)

IOW/DMV-IP/1/1 to 1/4 dated 29.2.92 to 3.3.92.

The shortages reflected in the Stock Sheet comes to Rs. 2790/- only for which Shri A. C. Bishi, was made responsible. An amount of Rs. 2700/- only was recovered from his Salary in Nov./93 vide S. R. No. 301 dated 5.1.94.

(2)

i) IOW/DMV-S/1/1 to 1/7 dated 28.8.90 to 30.10.91.  
ii) IOW/DMV/S/1/1 dated 29.9.92.

The remarks furnished by IOW/DMV are yet to be finalised. Action may be taken to finalise the matter within 31.3.97.

(3)

IOW/KXJ-S/1/1 to S/1/25 dated 24.7.95 to 11.12.95.

The duplicate copies of the Stock Sheet along with the remarks was sent to FA-CAO/LMG vide this office letter No. W/219/LM/1/KXJ/H-3/05 dated 1.8.96. The shortage against the Stock Sheet comes to Rs. 54,000/- (Rupees fifty-four thousand) only for which Shri R.N. Khare, IOW/III/KXJ was made responsible. Arrangement may please be made for early recovery of the amount due from Shri R.N. Khare, IOW/III/KXJ vide intimation to FA-CAO/SV/LMG for the closure of the Stock Sheet.

Recovery will be start from March/97 in 36 installments.

(4)

CIOW(T)JTG/3/1/1 to S/1/4 dated 10.9.92.

The letter has been referred to Cm. (W)MLG vide the office letter No. W/219/LM/II/IOW/JTG/H-3 dt. 08.13.94 for fixing responsibility for the shortages against Shri S.C. Das, Ex. IOW/JTG for Rs. 18,600/- (Rupees eighteen thousand six hundred) only which is to be recovered from his final Settlement and Rs. 320/- (Rupees eight hundred twenty) only from Shri M.K. Pandey, IOW/JTG. Action may be taken to recover the above amount from the staff responsible under intimation to FA-CAO/MLG for closure of the Stock Sheet.

(5)

IOW/MLG/S/1/1 and S/1/2 dt. 18.3.96 and 24.3.96.

The duplicate copies of along with the remarks offered by the Stock Holder are yet to be received by this office. Necessary action may be taken for fixing target date for early submission.

IOW/JTG/S/1/1 dated 27.7.96; CIOW/PPB/S/1/1 dated 14.6.96 and IOW/COK/S/1/1 dated 30.11.96.

The duplicate copies of along with the remarks of the Stock Holder are yet to be received by this Office. Necessary action may be taken for fixing target date to obtain the remarks from the Stock Holder.

IOW/L/LMG/S/1/1 dated 20.12.96.

The remarks furnished by the Stock Holder duly countersigned by the Controlling Officer are accepted and the S/Sheet is treated as closed.

R. Das.  
ISS/Hd. Qr.

(R. Das/Hd. Qr.)  
ADAO/LMG.

(S.C. Rafi.)  
Sr. DEVL MG.

Attested  
J. S. D. D.  
Advocate

ANNEXURE -7

To : Sr. DEN  
N.F. Railway.  
Lumding.  
(Through proper channel).

Date :- 30.5.97

Subject: - Recovery of an amount of Rs. 54,000/- against stock sheet No. S/ 1/ 1 to 25 dated 24.7.95 to 11.10.95 and S/ 1/ 1 to 47 dated 12.12.95 to 19.12.95.

Reference: - DRM/ W/ LMG. L/ No: W/ 219/ LM/ II/ I/ Pt-III/ W-3/ 165 dated 21.4.97.

Sir,

Most humbly and respectfully I have the honour to state that your above letter was received on 31.3.97. I could not agree with the contents of the letter. The stock verification was done during my tenure and above stock sheet was framed in my period and also signed by me with due remarks in right hand side of the stock sheet. The short/ excess which were projected in stock sheet was actually not occurred during my working period. My predecessor Shri P.P. Dhar retired from service without handing over the charge of stocks. After a lapse of about 3/ 4 months a special committee was framed by Sr. DEN/ LMG for handing over the stores of Sri P.P. Dhar Ex-CIOW/ KXJ. Accordingly the special committee after physical verification of stock handed over the stores of IOW/ KXJ to me, during which there was short/ Excesses of material which was projected in handing over sheet and submitted to you vide this office L/ No: 5/9 dated 01.7.96. Subsequently during my working period as IOW/ KXJ stock verification from store department was done in the month of December 95 and the shortage/ excesses of material, which was shown during the period of Sri P.P. Dhar Ex-CIOW/ KXJ in handing over/ taking over of charge through spl. Committee was projected in stock sheet under reference.

So, the recovery against stock sheet under reference should not be raised against me. The actual short/ excess is during the period of Sri P.P. Dhar and the above recovery should also be raised against Sri P.P. Dhar.

Hence you are requested to go through the matter and arrange to waive up the recovery from my shoulder and stop the recovery immediately. The action taken may kindly be intimated to me.

DA: Xerox copy of 45 sheets showing Short/ Excess prepared by committee.

Copy to: For information & n/a please.

1. GM/ W/ MLG
2. FA & CAO/ SV/ MLG
3. DEN/ II/ LMG
4. DRM/ P/ LMG

Yours Faithfully,  
R.N. Khare  
IOW/ II/ KXJ

Attested  
J. N. D.  
Advocate

ANNEXURE -8

N.F. Railway

OFFICE OF THE  
DRM(W) LUMDING.

No. W/ 219/ LM/ 11/ 1/ Pt-III/ W-3/ 218

Dated :- 19.06.97.

To,

SE (works)/ KXJ.  
N.F. Railway.

Sub: - Recovery of an amount of Rs. 54,000/- against Stock Sheet No. S/1/1 to S/ 1/ 25 dated 24.7.95 to 11.10.95 and S/ 1/ 1 to S/ 1/ 47 dated 12.12.95 to 19.12.95.

Ref: - Your L/No. NIL dated 30.05.1997.

In reference to your letter no quoted above. You are requested to submit the ledgers in connection with the above Stock Sheet for taking further necessary action from this end.

Sd/-illegible  
Divisional Engineer/ II  
Lumding.

Copy to AEN/ BPG for information please.

Divisional Engineer/ II  
Lumding.

Attested  
Am. Bod.  
Advocate

ANNEXURE -9

To,  
Sr. DEN/ LMG  
N.F. Railway.

Dt. 15.5.98  
From:- R.N. Khare  
IOW/ KXJ

Through :- Proper channel.

Subject :- Recovery of an amount of Rs. 54,000/- against stock sheet No : S/ 1/ 1 to S/1/25 dated 24.7.95 to 11.10.95 and S/ 1/ 1 to S/ 1/ 47 dated 12.12.95 to 19.12.95.

Reference:- DEN/ II/ LMG's L/No. W/ 219/ LM/ 11/ 1 Pt-III/ W-3/ 218 dt. 19.6.97.

Sir,

In reference to DEN/ II/ LMG's letter quoted above I have submitted the ledgers in connection with above stock sheet and ledgers were tallied with stock sheet in stores section at Lumding.

But the recovery is not stopped yet. It is still being debited from my salary.

Hence you are requested to go through the matter and arrange to waive up the recovery from my shoulder and stop recovery immediately.

Yours Faithfully.

R.N. Khare  
IOW/ KXJ

Copy to :- For information and necessary action please.

DEN/ II/ LMG  
DRM/ P/ LMG

Yours Faithfully.

R.N. Khare  
IOW/ KXJ

Attested  
Omni Prabu  
Advocate

To,

DRM/W/LMG ✓

N.F.RLY

Subject :- Recovery of an amount of Rs-54.000/- against stock sheet No: S/I/I to S/I/25 Dt- 24.7.95 to 11.10.95 and S/I/I to 47 Dt- 12.12.95 to 19.12.95

Reference:- My letters dt 29.3.97, 01.4.97, 30.5.97 and 15.5.98

Respected Sir,

On above subject and reference, I like to lay down following few lines for your kind information please.

On seeing recovery of Rs-1500/- from my salary of march 97 without any prior intimation, I wrote a letter dt 29.3.97 to DRM (W) LMG to know the reason for such recovery.

In the meantime a copy of letter of DRM(W) LMG No- W/219/LM/1/IOW/MBS/W-3/276 dt-27.3.97 was received on 31.3.97 at the office IOW/KXJ mentioning to start recovery of Rs 54,000/- from my salary against stock sheet. Then I wrote a letter dt 01.4.97 to DRM(W) LMG stating everything and requested to waive up the recovery.

Further in response to your L/No:W/219/LM/II/I/pt III/W-3/165 dt 11/21.4.97, I wrote a letter dt 30.5-97 justifying my innocence and requested to waive up the recovery.

Vide your L/No: W/219/LM/II/I/pt-III/W-3/218 dt- 19.6.97, I submitted the office records to your office for checking.

Again I wrote a letter dt-15.5.98 for stopping the recovery from my salary. But the recovery did not stop and continued till Feb'2000.

Now I like to say that above mentioned debit should not have raised against me. So the recovered amount with interest should be paid to me at an earliest.

Hoping for your kind consideration.

Copy to: DRM(P) LMG: For kind information & necessary action please.

9.10.2001  
G. Hash  
Malhotra

Yours faithfully  
Rakesh Nath Khare  
SE/SD  
28.9.01  
DPE

Annexure - I

-22-

28

N.F.RLY.

TO,  
DRM(W)/LMG.  
N.F.Railway.

At 26.2.02

Sub : Recovery of an amount of Rs. 54000/- against stock sheet No.  
S/1/1 to 5/1/25 dt 24.7.95 to 11.10.95 and S/1/1 to 47 dt.  
12.12.95 to 19-12-95.

Ref : My letters dtd. 29.3.97, 1.4.97, 30.5.97, 15.5.98 and 28.9.01.

Respected sir,

With due respect I like to state that several appeals were made vide above referred letters on above subject but no decision taken in my favour. Now I feel that I have been deprived of justice.

The circumstances has bound me to take shelter of court of law.

This is for your kind information please.

Yours faithfully.

R.N. Khare  
SE/1/o

Copy to : DRM(P)/LMG for kind information please.

Yours faithfully.

R.N. Khare  
SE/1/o

✓  
26-2-02  
RECEIVED  
DRM(W)/LMG  
26-2-02

✓  
26/2

Attested  
J. N. Joshi  
Advocate