

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 155 of 2005

Indore, this the 20th day of April, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman

Hon'ble Shri K.B.S. Rajan, Judicial Member

Radhakishan,

S/o. Mangharam Satwani,

age - 41 years,

27/A,

Indira Nagar,

Ratlam (MP).

... Applicant

(By Advocate - Shri A.N. Bhatt)

V e r s u s

The Union of India -

Represented by :

1. The General Manager,

(Finance & Accounts), Western Railway,

HQ Office, Churchgate,

Mumbai - 20.

2. The Divisional Rail Manager,

Western Railway, Do-Batti,

Ratlam (MP) 457 001.

... Respondents

(By Advocate - Shri Anand Pathak)

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OA 155/05

ORDER

By K.B.S. Rajan, JM.-

The limited question is whether recovery of certain money due to the applicant having obtained railway passes via longer route is justified.

2. Brief facts as contained in the OA are as under:-

(a) The applicant, a railway employee availed of the facilities of privilege pass as under:-

(i) From Varanasi to Mumbai, via Allahabad, New Delhi, Ratlam (dist. 2149 km) in Jan 2000, for self and family, which includes apart from other members, his mother, a senior citizen and a crippled daughter.

(ii) From Varanasi to Mumbai via Tundla, Agra Fort and Ratlam (dist. 1840 km) for the self and family in May 2000

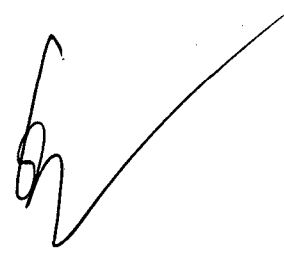
(iii) Return journey for the above.

(b) The audit authorities have, taking into account the shortest route as 1497 kms., charged the fare for the excess kilometers as under:-

(i) Rs 4,362/- for the first journey,

(ii) Rs 3,860/- for the second one.

(iii) Rs 3,860/- for the for the third one.



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(c) The applicant made representation to the effect that it is for the authorities to check in advance whether the pass requisitioned is for shortest route; that the recovery was without show cause notice and that the journey performed though was via longer route, was of shorter duration and that assuming without accepting that such recovery is to be made, the concession of 15% excess distance as provided for in the Rules and the concession available for senior citizen and crippled child should be given to the applicant, while recovering the excess fare. Again, according to the applicant, the authorities have deducted the amount, as if for all journeys the longest route was followed.

3. The respondents contended that the recovery is as per rules and that the applicant cannot contend that it is the duty of the respondents, even before issue of pass to check whether the pass requisitioned is for the shortest route. Again, when the applicant applies for a pass through longer route, there is an implied acceptance of the conditions attached to the issue of pass. Hence, no show cause notice need be issued.

4. Arguments were heard and documents perused. The Rules are clear that the privilege pass is available only for journey through shortest route; There are of course, certain relaxations but the case of the applicant does not come within the relaxation provisions.

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5. The applicant has not produced any rule whereby the concessions available for senior citizens and crippled passengers are available in a contingency as occurred here. If there is no rule to that extent, the applicant cannot claim the same.

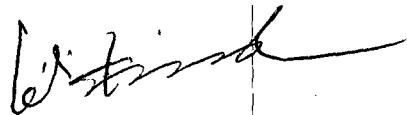
6. The only relief that could be granted is in respect of difference in the distance involved in the routes followed by the applicant. The first journey is via New Delhi and the audit authorities have claimed the difference. However, the same difference has been mentioned in respect of the other two journeys also, which according to the applicant is incorrect. The difference should be properly worked out. At the same time it has been noticed that, so far as recovery effected was concerned, for the first journey, the recovery was Rs 4,362/- and for the other two journeys, the recovery of Rs 3,860/- each. Thus, though there was no difference in the excess distance as contained in the audit statement, in effect it appears that recovery has been duly made, taking into account certain differences, which have not been specified.

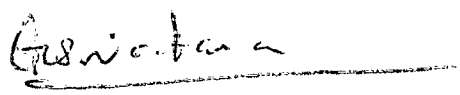
7. The applicant has claimed that the travel undertaken by him is of shorter journey period. However, he has not chosen to reflect the same by comparison. If any of the journeys performed by the applicant is of shorter journey time compared to the journey time via the shortest route, the applicant may represent to the respondents in this regard. Similarly, in case he finds that there is difference in the excess fare and as per rules, concession is available for

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senior citizens and crippled child, he may make suitable representation and in the event of the applicant's contention being correct, the respondents may revise the recovery to be made and act accordingly.

8. The OA is disposed in the above terms. No costs.


(K.B.S. RAJAN)
JUDICIAL MEMBER


(Dr. G.C. SRIVASTAVA)
VICE CHAIRMAN

