

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

**Original Applications No 1098 of 2004**

Quaileor, this the 13<sup>th</sup> day of September, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Amarnath Singh, S/o Rajpath  
Singh, aged about 64 years, R/o  
Dawahari, Satna (MP).

Applicant

(By Advocate – Shri Polok Maithy on behalf of Shri M.S.Bhatti)

**V E R S U S**

1. Union of India, through  
Secretary, Ministry of Railways,  
Rail Bhawan, New Delhi.
2. General Manager, Western Central  
Railway, Jabalpur.
3. Divisional Railway Manager,  
Western Central Railway,  
Jabalpur.
4. The Accounts Officer, Western  
Central Railway, Jabalpur.
5. The Chief Yard Master, Western  
Central Railway, Jabalpur

Respondents

(By Advocate – None )

**O R D E R**

**By Madan Mohan, Judicial Member –**

By filing this Original Application, the applicant has sought the following main reliefs :-

"i) .....to issue a writ in the nature of mandamus commanding the respondents to pay an amount of Rs. 47,767/- deducted from gratuity, to the applicant forthwith, alongwith interest @ 18% per annum."



2. The brief facts of the case are that the applicant was working as Railway Guard at Satna under the respondents department. He opted for voluntary retirement and was retired on 12.10.1999. According to the applicant, he contested an election of Railway Upbhokta Sahayata Samiti and was elected as such on 11.1.1997. When he had taken over the charge of President of the said society at that time only Rs.66/- was balance in the account of the society. However, as per the Electrical department of the Railways, a sum of Rs.78,535/- was outstanding towards consumption of electricity charges in the account of the society and the society had not paid the said amount. The main contention of the applicant is that an amount of Rs.47,767/- has wrongly been deducted by the respondents from his gratuity because the applicant was only president of the society at that time and he is not liable to pay the said amount. The action of the respondents is not sustainable in the eyes of law. Hence, this OA.

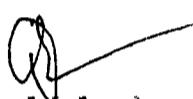
3. Since ample opportunities were granted to the respondents to file the reply but they have not filed their reply. Therefore the right to file the reply was forfeited vide order dated 22.8.2004. Today none is present on behalf of the respondents. We are disposing of this OA by invoking the provisions of Rule 16 of Central Administrative Tribunal (Procedures) Rules, 1987. Heard the learned counsel for the applicant.

4. The learned counsel for the applicant has argued that the applicant contested the election of Railway Upbhokta Sahayata Samiti and had taken the charge of President and at that time only an amount of Rs.66/- was balance in the account of the said Samiti. However, a sum of Rs.78,535/- was outstanding towards consumption of electricity in the account of the society which was not paid. He has also argued that the electricity is consumed by the Samiti and not by the applicant. Therefore, he is not liable to pay the aforesaid amount. However, the respondents have deducted the amount of Rs.47,767/- from the gratuity of the applicant which is totally illegal, unjustified



and not sustainable in the eyes of law. Hence, this OA deserves to be allowed.

5. After hearing the learned counsel for the applicant and on careful perusal of the pleadings, we find that the applicant has not filed any impugned order or any document regarding unauthorised deduction of the amount of Rs. 47,767/- from his gratuity and simply he has stated that the respondents have wrongly deducted the aforesaid amount. In this regard he has not filed any documentary proof. Therefore, this OA is not maintainable at this stage accordingly, the same is dismissed. However, the applicant is at liberty to file a fresh OA if he still feels aggrieved and so advised.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

Skm/

पूलांकज सं. ओ/न्या..... जगलपुर, दि.....  
प्रतिनिधि अप्पे दिल.....  
(1) सहित, जगलपुर नगर पालिका, जगलपुर  
(2) आकेश दी/मी/मी/मु..... तो कार्यालय  
(3) पत्तारी श्री/मी/मी/मु..... तो कार्यालय  
(4) चंद्रपाल, टोपीगा, जगलपुर नगर  
सूक्ष्मा एवं आवश्यक कार्यताती हेतु

Shri C.S. Bhatt 21-9-09  
Shri N.S. Rupchaw 21-9-09  
21-9-09  
उप रजिस्ट्रार

FC/89  
21-9-09