

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 744 of 2003

Indore, this the 10th day of January, 2005

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

Bhaiyalal Singh, S/o. Shri Pran Singh,
Aged about 60 years, R/o. Banskhadi Ward,
No. 30, Near Shiv Temple, Distt. Guna, (MP) Applicant

(By Advocate – None)

V e r s u s

1. The Union of India, through the Secretary, Department of Railways, New Delhi.
2. The Union of India, through the General Manager, South Central Railways.
3. The Divisional Railway Manager, South Central Railways, Bhopal Div., DRM Office, Bhopal.
4. The Sr. Divisional Engineer, South Central Railways, Bhopal Div., Bhopal, MP. Respondents

(By Advocate – Shri Raja Sharma on behalf of Shri V.K. Bhardwaj)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“(i) direct the respondents to refund the amount of Rs. 17,714/- illegally deducted from the final payment of the petitioner's dues,

(ii) direct the respondents to pay to the petitioner interest @ 18% p.a. on the aforesaid amount from 18.9.2002 till the date of payment,



(iii) direct the respondents forward the application of the petitioner for the redemption of the said shares held in the said society and ensure the payment to the petitioner,

(iv) direct the respondents to pay interest @ 18% p.a. on the redemption value for the delay caused by them."

2. The brief facts of the case are that the applicant was initially appointed on the post of MCM on 1.8.1977. After completion of 25 years of service he made an application for voluntary retirement which was accepted by the respondents and was made effective from 31.7.2002. The respondents made the final settlement of the accounts of the applicant through a document dated 18.9.2002. According to this document a recovery of Rs. 17,714/- has been shown against the applicant. This recovery is absolutely illegal and without any foundation. It also shows that recovery is under foreheads mainly CGIS receipt Rs. 30/-, Festival advances Rs. 450/-, salaries and wages Rs. 12,903/- and salaries and wages Rs. 4,331/-. The employees of the Railway Department make periodical deposits with the Central Railway Employees Co-operative Credit Society, Ltd. and purchases shares. These shares are redeemed at the time of the retirement of the employee. The applicant also had some deposits to the said society and share certificates were issued to him but on retirement the applicant when made an application for redemption of the aforesaid shares held by the applicant the same was not forwarded to the society till date by the respondents and the applicant continues to suffer loss on account of the resultant non-payment. The applicant made request on 10.7.2003 and also submitted another representation on 25.8.2003, but no action has been taken by the respondents in this regard. Hence, this Original Application is filed.

3. None is present of the applicant. Since it is an old case of 2003, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and carefully perused the pleadings and records.



4. The learned counsel for the respondents argued that the said recovery of Rs. 17,714/- has been made according to the service records of the applicant. He remained absent from duty on various dates which were treated as leave without pay. He had applied for Diwali Festival advance for the year 2001 and a balance of Rs. 450/- was recovered from his final payment on retirement. During the pendency of this Original Application the respondents have decided the representation of the applicant pending before them by order dated 23.1.2004. He further argued that during pendency of this OA the Tribunal vide its order dated 20.2.2004, directed the applicant to attend the office of the respondents on 11th March, 2004 and get the work done from the respondents. The respondents were also directed to attend the work of the applicant without any excuse on that date. It was also directed to the respondents that whatever progress is made in the matter the same be reported to the Tribunal on the next date of hearing. The applicant did not report on 11.3.2004. Then, a special messenger was sent asking the applicant to appear on 22.3.2004 but he did not appear. Thereafter, also the applicant not attended the office of the respondents and was also not present before the Tribunal on various dates i.e. on 26.3.2004, 22.4.2004, 21.6.2004, 23.8.2004 and 11.10.2004. The learned counsel for the respondents further argued that the alleged share certificates are in the possession of the respondents and they are ready to handover these certificates to the applicant whenever he comes to the office of the respondents. Thus, this Original Application does not have any ground and is liable to be dismissed.

5. After hearing the learned counsel for the respondents and on careful perusal of the records and pleadings, we find that the respondents have explained about each and every amount of recovery as alleged by the applicant in detail in their return. We also find that as per the direction of the Tribunal dated 20.2.2004 the applicant did not appear before the respondents on 11.3.2004. He also, till the last date of hearing i.e. on



7.12.2004, not appeared before the Tribunal. Thus this case was reserved for orders after hearing the learned counsel for the respondents. We have perused the letter dated 23.1.2004 (Annexure R-VIII), wherein the recoveries made by the applicant has been mentioned and we find that this is perfectly legal and justified. However, regarding the share certificates of the applicant, it is submitted by the learned counsel for the respondents that they are always ready to return these certificates to the applicant. Thus, the applicant may get back these share certificates from the office of the respondents.

6. In view of the aforesaid, we are of the considered opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.

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**(Madan Mohan)
Judicial Member**


(M.P. Singh)
Vice Chairman

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Bl. Singh Dasshd
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