

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

ORIGINAL APPLICATION NO. 386 OF 2002

Bilaspur, this the 8th day of December, 2003

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

Jeewan Lal, S/o Shri Ram Charan,
aged about 60 years, Ex-Enquiry & Reservation
Supervision, South Eastern Railway, Bilaspur
Division, Bilaspur (C.G.), R/o Mannu Chowk,
Tikrapara, Bilaspur (C.G.)

- APPLICANT

(By Advocate - None)

Versus

1. Union of India, through Secretary,
Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, South Eastern Railways,
Garden Reach, Kolkata - 43.
3. The Divisional Railway Manager (P),
South Eastern Railways, Division Office,
Bilaspur (C.G.)

- RESPONDENTS

(By Advocate - Shri M.N.Bamerji)

O R D E R (Oral)

By G.Shanthappa, Judicial Member -

The above Original Application is filed seeking the relief to direct the respondents to refund the entire illegal deductions made from the final payments of the applicant with interest and also he has requested for directing the respondents not to recover any amount towards clearance of error sheet debit of Rs. 68,536/- in Bilaspur Booking Office.

2. The case of the applicant is that there was a minor punishment imposed against the applicant and accordingly he (Annexure A-1) preferred an appeal against the punishment order, requesting to revoke the order of punishment. Since the appeal was pending, one reminder was submitted on 01.03.1994 (Annexure A-2). The respondents have deducted the amount of Rs. 68,536/- from the applicant. Hence the recovery is illegal and the applicant is not liable to pay any amount to the Department.

G.S.

3. While going through the records, we find that the respondents themselves have stated vide Annexure A-10 and Annexure A-11 that there is no loss of revenue to the Department. The relevant portion of the above referred Annexures is extracted as under :

"Annexure A-10 :

Para No. 236 of IRCM, Vol. I was not observed as because, these tickets were utilised exclusively for journey by 1st class as mentioned earlier.

It is reiterated that during the material period i.e. Aug. 91 to Nov. 92, separate AC-II-tier tickets were available in hand. As such there is no valid reason to presume that these combine tickets might have been issued for both 1st class and AC-II-tier. Moreover, there is no documentary evidence of loss of revenue.

Annexure A-11 :

In both the cases, the loss of revenue was not established. It will be in order, in this context to mention that an appeal of families of allegedly responsible staff is pending with Hon'ble Minister of Railway, Government of India for decision."

Even then the respondents have deducted the amounts from the DCRG. The respondents have filed the reply taking the contention that since there was an order of punishment and a minor penalty was accordingly imposed, ^{ex.} they have deducted the amount. The specific contention in the reply is that the debit was raised for selling tickets AC-II tickets at lesser rate i.e. 1st. Class rate through error sheets, the debit raised by the Traffic Accounts was found tenable. However relevant records were again called from Chief Reservation Supervisor/Bilaspur vide No. Com/OS/Prog/performance JT/dt. 21.11.95 for further verification of debit out of the total number of 546 tickets showing the 67 Journey Cum Reservation Ticket for Howrah being actually issued in First Class for the period from 26.11.1991 to 10.01.1992 & 23.10.1992 to 06.12.1992 and accordingly a sum of Rs. 7890/- was withdrawn by Traffic Accounts. The debit was raised based on the local classification of First-Class AC-II Journey Cum Reservation Ticket (Index 1077) sent to traffic accounts.



4. Except the contention regarding the above punishment proceedings, regarding recovery the respondents have not stated anything, in their Reply.

5. After perusal of the records and after hearing advocate for the respondents we are of the considered opinion that the respondents themselves have stated in Annexure A-10 and Annexure A-11 that there is no documentary evidence for loss of revenue to the Department. The recovery towards commercial debit made from the DCRG of the applicant is not proper.

6. Accordingly, the said Original Application is partly allowed and the respondents are directed to refund whatever amount was recovered towards commercial debit from the DCRG of the applicant. The said refund has to be made within a period of one month from the date of receipt of copy of this order alongwith the interest at the rate of 8% per annum. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

"SAM"

पृष्ठांकन सं. ओ/ज्या..... ज्यवत्तर, दि.....
 प्रतिलिपि द्वारा लिखा।
 (1) राम..... ज्यवत्तर, दि.....
 (2) लोकेश..... ज्यवत्तर, दि.....
 (3) एवं..... ज्यवत्तर, दि.....
 (4) लंग..... ज्यवत्तर, दि.....
 सूचना द्वारा लिखा गया है।

Shreastava
30/12/03