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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 108 of 1998

Jabalpur, this the 31st day of January, 2003

Hon'ble Mr. R.K. Upadhyaya-Member (Administrative)

Rohand aged about 62 years, S/o Chuteylal
Karesa, Retired Sr. Shunter, Central Railway,
Jabalpur R/o Mission Compound, Shahpur-Distt
Betul M.P.

- APPLICANT

(Applicant in person)

Versus

1. Union of India through General Manager,
Central Railway, Mumbai, C.S.T.

2. Divisional Accounts Officer, Central Railway,
Jabalpur M.P.

3. Divisional Railway Manager, Central Railway,
Jabalpur

- RESPONDENTS

(By Advocate - None)

O R D E R (Oral)

The applicant has filed this application seeking a direction to respondents to issue fresh cheque of Rs. 24,887/- in the name of the applicant along with interest.

2. The claim of the applicant is that by way of settlement of retiral dues, he was issued a cheque no. D 238209 dated 26th December, 1995 (Annexure-R-1) but the same was not received by him but has been received and encashed by somebody else.

3. The respondents in their reply have stated that the difference amount of gratuity of Rs. 24,886/- was sent to the address as given by the applicant. The cheque has also been presented for payment as can be seen from the photo copy of the cheque (Annexure-R-1). Therefore, the respondents are no longer responsible for payment of any further amount.

AmBhargava

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4. At the time of hearing, the applicant in person informed that one Surendra Chhotelal Das has wrongly and fraudulently received the cheque and has misappropriated the money and for that purpose a case in the Court at Betul is still in progress.

5. After hearing the applicant and after perusal of the records, there is no doubt that so far respondents are concerned, they have properly sent the cheque to the applicant at the address given by him. This Tribunal may not issue any direction in this case as prayed by the applicant. However, the matter is already being pursued in proper forum. Any fraudulent encashment of cheque issued in the name of the applicant does not fall in the jurisdiction of this Tribunal. In this view of the matter, this Original Application is dismissed without any order as to costs.

(Signature)

(R.K. Upadhyaya)
Member (Admnv.)

rkv.

प्राप्तकाल से असे/न्या..... जलसु, दि.....

पतिमिति -

(1) सचिव, न्यायिक प्रशासन, न्यायिक प्रशासन

(2) न्यायिक प्रशासन, न्यायिक प्रशासन

(3) न्यायिक प्रशासन, न्यायिक प्रशासन

(4) न्यायिक प्रशासन, न्यायिक प्रशासन

सूचना एवं आचार्यक कार्यालय

APR 6 - 2003
S.P. Singhania

(Signature)
5/2/03

Issued
on 5-2-03
BS