

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of March, 2010

ORIGINAL APPLICATION No.140/2010

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Suresh Chand Misra,
S/o Shri P.L.Misra,
R/o Quarter No.204-B,
Wagon Repair Shop Colony,
Kota.

... Applicant

(By Advocate : Shri Noor Ahmed, proxy counsel for
Shri R.N.Mathur)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Addl. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.
3. Chief Electrical Engineer,
West Central Railway,
Jabalpur (MP).
4. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.

... Respondents

(By Advocate : - - -)

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ORDER (ORAL)

In this case, the applicant is aggrieved against the order of the appellate authority dated 22.11.2004 (Ann.A/1). Charge-sheet was issued to the applicant on 25.3.2003 and on receipt of the inquiry report, penalty under Rule 6(iii) of the Railway Servants (Discipline & Appeal) Rules, 1968, for recovery of Rs.3,44,948/- was imposed vide order dated 28.4.2004. The applicant had filed an appeal under Rule-18 of the Railway Servants (Discipline & Appeal) Rules, 1968, on 31.5.2004, which was decided by the appellate authority vide order dated 22.11.2004.

2. In this connection, it is considered necessary to reproduce para 10.6, 10.7 and para-11 of the order dated 22.11.2004 (Ann.A/1), which read as under :

"10.6 On further scrutiny of the records, and as represented by Shri Mishra, it has come to light that the stores of SELC (Stores) have not been verified for a very long time. The officials incharge of Stores were also relieved without proper handing over for a long time. As a result of this, no verification & reconciliation work has taken place for a considerable time. The remarks on the stock sheet by Stock Verifier clearly indicates that the balances that have been identified have not been set apart while working out the net shortage for which Shri Mishra alone could be held responsible.

10.7 Shri S.C. Mishra has also mentioned that this fact was reflected during stock verification. However, the recovery has been ordered taking into account the balance as if these balances accrued during the incumbency of Shri Mishra. From the above, it becomes evident that ;

(i) The charge of stores was not handed over to Shri Mishra by Shri Shiban Lal completely.

(ii) The stock verification was not ordered immediately by administration nor Shri Mishra demanded it.

(iii) Shri Mishra had shown laxity in reconciliation of the items that were reflected in the stock sheet.

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(iv) And that there were balances in certain items before Shri Mishra took over charge. These balances required to be studied critically and the excess/shortage that accrued before incumbency of Shri Mishra should be settled separately.

11. Considering the matter in its entirety and the ambiguities that are there in the stock sheet, the recovery of Shri Mishra is pended till 31.01.2005. During this period, Shri Mishra should make efforts to reconcile the items of the stock sheet through Sr.DEE(G). The Sr.AFA (Workshop) would also assign the task of reconciliation and the identification of the balances to one of the Stock Verifier so that the excesses/shortages of the stock sheet are settled properly.

The total amount of recovery and the amount and number of installments in which it will be recovered, if at all to be ordered, after further scrutiny of the stock sheet as mentioned earlier would be decided by Sr.DEE(G)."

3. From perusal of this order, it is evident that the Sr.DEE(G) had been directed to conduct further scrutiny of the stock sheet and pass a fresh order for recovery of total amount and number of installments in which it will be recovered, if at all to be ordered after scrutiny.

4. From the facts on record, it is evident that the Sr.DEE(G) has not passed any order so far.

5. After hearing learned counsel for the applicant and perusal of the record, it is found that the applicant has not so far availed of the statutory departmental remedies. He should prefer fresh appeal against the order, if any, passed by the Sr.DEE(G) and in case no such order has so far been passed by the Sr.DEE(G), the ADRM, Kota [Respondent No.2] should direct the Sr.DEE(G) to pass the necessary order within a period of three months from the date of receipt of a copy of this order. In case any adverse order is passed by the Sr.DEE(G), the applicant may again prefer an appeal before the ADRM, Kota [Respondent No.2] against such order.

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6. With these directions, the OA stands disposed of at admission stage with a liberty reserved to the applicant to file a fresh OA against the orders of the disciplinary authority/appellate authority/revisionary authority. The applicant can approach this Tribunal again only after the orders of the disciplinary authority/appellate authority/revisionary authority are passed. No order as to costs.


(B.L.KHATRI)
MEMBER (A)

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