

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.100/2017

This the 26th day of October, 2018

Shri Suresh
Son of Shri Deviprasad Kashyap
Age : 61 years
Retd. Chief Goods Supervisor
Residing at Plot No.20,
Near 400 Quarter, Ward 12/B
Gandhidham, Kutchchh 370 201..... Applicant

(By Advocate : Shri M.S.Trivedi)

VERSUS

1. Union of India through
The General Manager
Western Railway,
Churchgate, Mumbai 400 020.
2. The Divisional Railway Manager
O/o. DRM, Western Railway
Divisional Office, Ahmedabad Division
Nr. Chamunda Bridge, Opp. Cancer Hospital, Naroda Road
Post : Saijpur Bogha, Ahmedabad 382 345.
3. Senior Divisional Electrical Engineer
O/o. Sr. DE (Elect.),
Divisional Office, Nr. Chamunda Mata Mandir
Opp. Cancer Hospital, Naroda Road
Post : Saijpur Bogha, Ahmedabad 382 345.

4. Senior Section Engineer (DL)
O/o. S.S.E (DL) Western Railway
Gandhidham 370 201. Respondents.

(By Advocate : Shri V.K.Singh)

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Applicant is a retired employee of Railway and he has preferred this OA assailing recovery of Rs.2,38,720/- affected from his retiral benefits at the time of his retirement, on the pretext that charge for consumption of Electricity consumed in Quarter No 107/B where he was residing, of period from January, 1982 to May 2016 has not been paid. The prayer has been made to hold/declare the impugned action of respondent to workout said recovery and the communication of calculation sheet to applicant and to quash the endorsement, made on Pension Payment Order as far as it relates to recovery and also to direct the respondent to refund back the amount of Rs.2,38,720/- to applicant, illegally deducted from his retiral benefits, vide Annexure A-1, with 12% interest.

2. The respondents have contested the matter and has filed reply pleading that applicant was occupying said quarter of them, he remained in possession of said quarter from January, 1982 to

till his retirement on 31.05.2016 and consumed electricity of respondents during said period, he did not allow the respondents through out entire period to take note of electricity consumed nor paid the electricity charge. According to respondent after retirement of applicant it deducted that 32,927 units of electricity were consumed and though was liable for theft and three-time charge but taking lenient view normal charge was deducted from his retiral benefit. The respondents have charged for 32,927 units @ Rs. 7.25 per unit, as per Annexure A-4, for electricity consumption charges from the applicant.

3. Learned Counsel, Shri M.S.Trivedi Advocate, who appeared for applicant contended that recovery legally was not permissible, however, applicant has resided in said Railway Quarter No. 107/B from January 1982 to till his retirement and fairly and morally accepts his liability for electricity charge consumed by the applicant, he is ready and willing to pay electricity charge but his only grievance is that previously he, when was in the service was harassed by the departmental authority and the applicant had to approach the Tribunal and because of that, as revengeful exorbitant amount for electricity charges was deducted from his retiral dues and that too approach without giving any notice. That applicant is ready and willing to

pay for electricity consumed, if fairly and rationally the amount is calculated by respondents. Learned counsel contending that calculation could not be correct urged that it is the stand of respondents that they were not allowed to enter in the quarter to take reading of consumption of electricity but in Annexure A-4, which shows total consumption of 32,932 units, are having details in three segments and it is a matter of common sense that for one segment at least two visit are needed, if the respondents were never allowed to visit the house what type of veracity of these units is there is a matter of imagination. That the applicant undertakes to pay the bill, calculated rationally and pray that the respondent authority may be directed to act in transparency, calculate the units rationally and to apply rate applicable at relevant time or taking average and to communicate the details to the applicant of the amount so calculated and refund back the rest amount of affected recovery to applicant with interest. Learned counsel for the respondents, Shri V.K.Singh Advocate submits that respondents are having no objection if are directed to consider the matter afresh.

4. In view of the submission made at Bar as well taking note of legal & factual aspects of the matter, it appears to be appropriate that instead of adjudication it would be in interest of

justice, if this OA be disposed of remitting the matter back to respondents, with direction to decide the amount of electricity charge, payable by respondent, afresh within four weeks and to communicate the decision taken to applicant immediately thereafter, without delay. Applicant is granted liberty that in case he felt aggrieved by the decision so taken by respondent, he may agitate the same in appropriate proceedings. Ordered accordingly.

5. With the above direction, the OA stands disposed off. No order as to costs.

**(M.C.Verma)
Member (J)**

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