

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2052/2011

Reserved on : 07.10.2016.

Pronounced on : 19.10.2016.

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Ms. Shalini Dureja,
ECRC, New Delhi
R/o E-200, SPS Apartment,
Sahibabad.

.... **Applicant**

(through Sh. T.N. Tripathi, Advocate)

Versus

1. The General Manager,
Northern Railway,
New Delhi.
2. Add. Divisional Railway Manager/Comml.
State Entry Road,
Northern Railway,
New Delhi.
3. Sr. Divisional Commercial Manager,
Divisional Railway Manager Office,
State Entry Road,
Northern Railway,
New Delhi.
4. Sh. Lalit Shrine/TIA,
Northern Railway,
Traffic Accounts Office,
State Entry Road,
New Delhi. **Respondents**

(through Shailender Tiwary, Advocate)

ORDER**Mr. Shekhar Agarwal, Member (A)**

The applicant was working as a Reservation Clerk when on 16.08.2007 she was handed over a debit note of Rs. 59,904/- against her. The applicant made several representations for waiver off the aforesaid debit. However, without deciding the same, the respondents directed her to deposit the said amount. The applicant then approached this Tribunal by filing OA-886/2009. This was, however, dismissed as withdrawn on 02.04.2009 with liberty to the applicant to move an application for grant of stay against the debit pending review petition. Accordingly, the applicant submitted a representation but without deciding the same, the respondents issued a fresh debit note on 11.08.2008. This was challenged by the applicant before this Tribunal vide OA-3044/2009. This O.A. was decided on 22.09.2010 and the following order was passed:-

“4. We have heard counsel for both the sides and perused the pleadings as well. Respondents may have justifiable reasons to call explanation of the applicant or to issue debit note, but the fact remains that once this Tribunal had given direction to the respondents to decide the representation of the applicant, it was incumbent on their part to have decided her representation by passing a reasoned and speaking order. In the instant case, admittedly there is no order to show that the representation of the applicant was disposed of. In these circumstances, we quash the debit note dated 11.08.2008 with a direction to the respondents to dispose of the representation of the applicant by passing a reasoned and speaking order and then pass any other orders, which they may think appropriate by following due process of law. With above directions, this OA stands disposed of. No order as to costs.”

2. In compliance thereof, the respondents have now passed the impugned order dated 20.04.2011 by which the claim of the applicant has been rejected. The aforesaid order has been challenged in this O.A.

3. The main ground taken by the applicant is that the respondents have still not decided her representation, which amounts to defiance of the order of this Tribunal. She has further submitted that ticket Nos. 62446143, 41253121 & 41253149 were issued by her at the time of closing her duty on 30.04.2007 and 30.05.2007. Ticket No. 62446142 was issued to a passenger and the proof of the same can be obtained from the hard copy generated by the computer. Thus, the action of the respondents of raising a debit of Rs. 59, 904/- against her was unjust and unconstitutional. This was causing great mental agony to the applicant, who has school going children. The missing shown in the Continuity Statement of 4/07 and 5/07 was caused due to mismatch of slash numbers. The use of Ticket No. 62446142 has not been detected by any investigating agency. Hence, no loss was caused to the Railway Administration.

4. In their reply, the respondents have submitted that the applicant first issued ticket No. 62446096, which was printed. Thereafter, she prepared ticket No. 62446098 by hand. Later on, ticket No. 62446096 was cancelled by her vide ticket No. 62448518.

Thus, it is obvious that the hand written ticket was prepared for personal gain. Monthly Continuity Statement for 04/07 shows that ticket Nos. 6244142 & 6244143 were missing from the statement. Further, Continuity Statement for 05/07 shows that ticket Nos. 41253121 & 41253149 were also missing from the statement, thereby, leading to the conclusion that these tickets were misutilized for personal gains. In their speaking order, the respondents have also stated that first applicant did not submit any reply to the Debit Note. The Chief Booking Supervisor on 05.10.2007 then recorded that the concerned employee has been informed but was not ready to say anything. Subsequently, she submitted an undated reply in which she admitted that she had committed a mistake. Continuity Statements for both 04/07 and 05/07 show the missing tickets, which were misutilized for personal gains. While, the applicant is claiming that a review petition was pending, no such petition had ever been received. The claim was also barred by limitation. Hence, they have rejected the same.

5. We have heard both sides and have perused the material placed on record. From the above, it is clear that the applicant has really given no grounds to support her case on merits. Her only contention was that her review petition has not been decided. She had earlier approached this Tribunal by filing OA-3044/2009, which was allowed on the ground that the respondents had taken a

decision without disposing of the representation of the applicant by means of a reasoned and speaking order. In compliance thereof, the respondents have passed the impugned speaking order in which, inter alia, they had stated that the applicant had admitted her fault in her undated reply. They have given specific ticket Nos. and have also annexed to their reply documentary evidence in support of their contention. They have also disputed that any representation made by the applicant was received by them or was pending consideration. Even the applicant herself could not mention as to what was the issue raised in the representation by her, which has still not been considered by the respondents.

6. In view of the aforesaid, we are of the opinion that the applicant is only trying to stall recovery on one pretext or the other and has otherwise no case on merits. The respondents have given specific ticket Nos., which are attributable to the applicant, which according to them, were issued by the applicant for personal gains and were missing from the Monthly Continuity Statement.

7. We are, therefore, of the opinion that there is no merit in this O.A. Earlier OA-3044/2009 was decided in favour of the applicant only because the respondents had not considered the representation of the applicant. Now, they have passed a detailed

speaking order, in which they have stated that the applicant has admitted that she had committed a mistake.

8. This O.A., therefore, lacks merit and is dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/