

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.913/2017

New Delhi, this the 4th of September, 2018

Hon'ble Ms. Praveen Mahajan, Member (A)

M.L.Meena

Aged 56 years

Group 'C'

S/o Shri Puri Ram Meena

Working as SSE (P.Way)

Northern Railway Gohana Railway Station

In Delhi Division

R/o Railway Colony, Gohana

Distt. Sonipat (Har).

(By Advocate: Shri Yogesh Sharma)

Versus

.... Applicant

1. Union of India through the General Manager
Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.

3. The Senior Divisional Finance Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.

4. The Sr. Divisional Engineer-V
Northern Railway, Delhi Division
State Entry Road, New Delhi.

5. The Divisional Engineer
Northern Railway, Tugalakabad
New Delhi.

6. Shri D.C.Gautam
Senior Section Engineer (P.Way)
Northern Railway, Tugalakabad, New Delhi
Through Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.

.... Respondents.

(By Advocate: Shri Shailendra Tiwari)

ORDER (ORAL)

Through the medium of this OA, the applicant has challenged the order dated 25.10.2016, by which it has been held that an amount of Rs.26,09,585/- is to be recovered from Shri M.L.Meena (i.e the applicant in OA).

2. The brief facts of the case are that the applicant was working as Sr. Section Officer with the Railway Department. On 26.01.2007, he was transferred to Northern Railway Station Faridabad, where Shri D.C.Gautam (Respondent No.6) was his predecessor.

3. It is averred in the OA that at the time of transfer no handing over or taking over of charge was done, as ledgers of Shri D.C.Gautam were not complete and the applicant prepared his new ledger on the directions of the competent authority. Since the respondent no.6 had not maintained the record properly, the competent authority raised a demand/prepared a stock sheet, against Shri D.C.Gautam to the tune of Rs.68,42,265/- and asked for his explanation. However, the respondent no.6, instead of submitting his explanation, himself-prepared a noting on 25.10.2016 (the impugned order) to the effect that amount of Rs.26,09,585/- is actually recoverable from the applicant, i.e., M.L.Meena.

4. During the course of hearing, learned counsel for the applicant, Shri Yogesh Sharma emphasised the aforesaid situation stating that no proper inquiry has been conducted by the respondents before fixing the liability of recovery from the applicant. He, therefore, prayed that a proper inquiry may be got conducted before the applicant can be held liable for any wrong doing.

5. I find from the counter affidavit that the respondents have admitted that stock position, available in the store, was not properly accounted for

and that the handing over and taking over the stock position was prepared in a haphazard manner.

6. On a pointed query, learned counsel for respondents, Shri Shailendra Tiwari stated that a Committee was duly constituted to look into the stock shortage. He, however, could not produce any document to show that a proper Committee was set up to enquire into the shortage of stock, based on which, the recovery of Rs.26,09,585 has been ordered from the applicant.

7. In view of the aforesaid, I feel that the respondents have arbitrarily fixed the responsibility for discrepancies of stock shortage between the applicant and respondent no.6, without any basis. I, therefore, quash the impugned order dated 17.11.2016, with its enclosure dated 25.10.2016, and direct the respondents to immediately constitute a Committee to look into the alleged shortage of material of stock in the Railway Store. Till such time, the report of the Inquiry Committee is received and approved by the competent authority, the respondents are directed not to effect any further recovery from the applicant. It would be in the interest of respondent-organisation itself, if the Committee is constituted expeditiously, but not later than within 90 days from the date of receipt of a certified copy of this order.

The OA is disposed of with the limited directions. No costs

(Praveen Mahajan)
Member (A)

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