

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

O.A. No.3891/2017
M.A. No.4080/2017

Tuesday, this the 1st day of May 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Shri Manoranjan Kabasi
s/o Nimai Charan Kabasi
Ex SSE (P.Way), DTC/DNR
r/o House No.27, 1st Floor
Khyber Pass, Civil Lines
New Delhi – 110 054

(Ms. Sanjucta Kabasi, Advocate)

..Applicant

Versus

Union of India through

1. The Secretary
Ministry of Railways, Rail Bhawan
New Delhi – 110 001
2. General Manager
East Central Railway
Hajipur, Bihar
3. Sr. Divisional Engineer (2)
East Central Railway
Danapur, Bihar
4. Sr. Divisional Engineer (Co-ordinator)
East Central Railway
Danapur, Bihar
5. Sr. Divisional Financial Manager
East Central Railway
Danapur, Bihar
6. Sr. Divisional Personnel Officer
East Central Railway
Danapur, Bihar

..Respondents

(Mr. R N Singh, Mr. Vaibhav Pratap Singh and Mr. Amit Sinha, Advocates)

O R D E R (ORAL)

The applicant retired from the post of Senior Section Engineer (SSE) under Danapur Division, East Central Railway (ECR) on 28.02.2013 on attaining the age of superannuation. It is stated that vide Annexure A-1 order dated 25.08.2010, the competent authority ordered recovery of a sum of Rs.3,79,635/- from the applicant on account of shortage of material found in the stock sheet of S.E. (PW), GHZ , which purportedly was under the control of the applicant. The amount was recovered from the applicant while he was still in service, i.e., @ Rs.16,000/- per month. The applicant in this O.A. has challenged the Annexure A-1 order dated 25.08.2010, whereby an amount of Rs.3,79,635/- has been recovered from him.

2. When the matter was taken up for hearing by the Tribunal on 21.02.2018, the question of jurisdiction was raised by learned counsel for respondents. Learned counsel for applicant, on the other hand, argued that after applicant's retirement, he has settled in New Delhi, and hence the O.A. does not suffer with the jurisdictional issue. Learned counsel for applicant was accordingly directed by the Tribunal on that day to file a residential proof. In response to the *ibid* direction, the applicant has filed certain documents on 26.03.2018, which are placed on record. These documents are (i) the order of the Tribunal dated 30.10.2017 passed in O.A. No.3759/2017 filed by the applicant wherein his address has been indicated as 'House No.27, 1st Floor, Near Fancy Silk Mill, Khyber Paas, Civil Lines, Delhi – 110 054' and (ii) the photocopy of Aadhaar card wherein the same residential address is indicated.

From these two documents, I am quite convinced that the applicant is residing at Delhi and as such the O.A. does not suffer on account of jurisdiction.

3. The applicant, through the medium of M.A. No.4080/2017, has prayed for condonation of delay of 7 years and 1 month in filing the O.A. The records would reveal that the cause of action arose on 25.08.2010 when the Annexure A-1 recovery order was passed. The applicant has filed the O.A. on 01.11.2017. This long delay has not been explained by the applicant. It is to be noted that the recovery ordered by Annexure A-1 order was completed while the applicant was still in service. He did not raise any dispute in regard to the said recovery.

4. Under these circumstances, I am of the view that this O.A. is liable to be dismissed both on the merit as well as on the ground of delay. Dismissed accordingly. No order as to costs.

(K.N. Shrivastava)
Member (A)

May 1, 2018
/sunil/