

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

CA. 885/2017

PARTICULARS OF THE APPLICANT:

Subhas Chandra Bhattacharya, son of late Ratanti Ranjan Bhattacharya, aged about 60 years, working as S.E.E./Electrical H.T.& Pump/KGP under Sr. DEE(G)/KGP, residing at Datta Bari Kaushallya, (Kharagpur), Post Office - Kharagpur, District - Paschim Medinipore, Pin 721301. West Bengal.

..... APPLICANT

V E R S U S -

- I. Union of India, through the General Manager, South Eastern Railway, Garden Reach Road, Kolkata 700 043
- II. Senior Divisional Electrical Engineer (Genl), South Eastern Railway, Kharagpur 721301
- III. The Sr. AFA(WS&SV), South Eastern Railway, Garden Reach, Kolkata 700043

..... RESPONDENTS

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No. O.A. 350/00885/2017

Date of order: 19.7.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel for the applicant.

2. This O.A. has been filed by Shri Subhas Chandra Bhattacharya, working as SSE/Electrical HT & Pump / KGP under Sr. DEE(G)/KGP challenging the impugned order dated 9Elect.1/SV/SSEE(HT&P)/354 dated 29.5.2017 issued by the Sr. DEE (Genl.), Kharagpur. This O.A. has been filed praying for the following reliefs:

"a) Office order dated 29.5.2017 issued by Sr. DEE/G/S.E.Riy/KGP cannot be sustained in the eye of law and the same may be quashed.

b) An order do issue directing the respondents to release DCRG in favour of the applicant at an early date with the interest as admissible under the rules."

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that the applicant prior to his retirement received a letter bearing No. 9Elect.1/SV/SSEE(HT&P)/354 dated 29.5.2017 issued by Sr. DEE (Genl.), Kharagpur regarding pendency of BN-135 (clearance certificate for DCRG). In the said letter dated 29.5.2017 it was mentioned that after verification of stock a huge quantity of stock was found short for which the recovery amount stood to the tune of Rs. 3,47,898/-. After the DSVR the stock sheet discrepancy value was reduced from Rs. 3,47,898/- to Rs. 56,722/- which was to be recovered from his salary from 15 instalments. Thereafter he had joined SSEE(HT&P)/KGP and after stock

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verification which was completed on 13.3.2014 a huge quantity of material was found short by which the amount of recovery stood to the tune of Rs. 9,77,719/- and excess value found Rs. 11,66,009/-. Hence, vide letter No. SV/KGP/SS&AN/Clearnce/09/17/201 dated 8.5.2017 issued by Sr. AFA(WS&SV)/GRC it was intimated to recovery an amount of Rs. 56,772/- and Rs. 9,77,719/- from him and a High Level Departmental Enquiry Committee was constituted to enquiry into the matter. Hence it was intimated to him that the BN-135 could not be released in his favour. It is the contention of the applicant that the high level Departmental Enquiry Committee for alleged negligence during the period of service was never constituted, therefore the respondents cannot withhold his DCRG amount.

4. Mr. Chakraborty fairly submitted that the applicant is entitled to the reliefs as claimed in the O.A. in view of the order passed by the Hon'ble High Court vide its order dated 20.4.2016. On being question whether this order was brought to the notice of the respondents, the Ld. Counsel for the applicant submitted that he wants to make a comprehensive representation addressed to the respondent No. 1 annexing a copy of the said High Court's order justifying his claim.

5. Accordingly, this O.A. is disposed of by granting liberty to the applicant to make a comprehensive representation within a period of 4 weeks enclosing all the relevant documents as well as the order passed by the Hon'ble High Court in WPCT No. 157 of 2015, and if any such representation is filed within a period of 4 weeks from today then the respondent No. 1 will do well to consider the same keeping in mind the judgment of the Hon'ble High Court as well as the relevant Railway rules and pass a speaking order within a period of 6 weeks from the date of receipt of a copy of this order.



6. Though I have not gone into the merits of the matter still then I hope and trust that after such consideration if the applicant's case is squarely covered by the judgement rendered in WPCT No. 157 of 2015 then expeditious steps may be taken within a further period of 6 weeks from the date of such consideration to extend those benefits to the applicant.

7. As prayed for by Mr. Chakraborty, a copy of this order be handed over to him and the applicant is granted liberty to annex a copy of this order along the representation.

8. Mr. Chakraborty files proof of service of the O.A. and the same is taken on record.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(A.K. Patnaik)
Judicial Member

SP