

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 1367 of 2018

Date of order: 7.9.2018

**Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

**Santosh Kumar Singh,
Son of Late Mahendra Singh,
Chief Office Superintendent (Commercial),
East Central Railway, Sonpur,
District – Saran (Bihar).**

.. Applicant

- V E R S U S -

- 1. The Union of India,
Through the General Manager,
East Central Railway, Hajipur,
P.O. – Digghi Kalan,
P.S. – Hajipur (Sadar), District – Vaishali,
Pin Code – 844 101 (Bihar).**
- 2. The General Manager (Personnel),
East Central Railway, Hajipur,
P.O. – Digghi Kalan,
P.S. – Hajipur (Sadar), District – Vaishali,
Pin Code – 844 101 (Bihar).**
- 3. The Principal Chief Commercial Manager,
East Central Railway, Hajipur,
P.O. – Digghi Kalan,
P.S. – Hajipur (Sadar), District – Vaishali,
Pin Code – 844 101 (Bihar).**
- 4. The Divisional Railway Manager,
East Central Railway, Sonpur,
District – Saran, Pin Code – 841101 (Bihar).**
- 5. The Senior Divisional Personnel Officer,
East Central Railway, Sonpur,
District – Saran, Pin Code – 841101 (Bihar).**
- 6. The Senior Divisional Commercial Manager,
East Central Railway, Sonpur,
District – Saran, Pin Code – 841101 (Bihar).**
- 7. The Senior Divisional Financial Manager,**

East Central Railway, Sonpur,
District – Saran, Pin Code – 841101 (Bihar).

.. Respondents

For the Applicant : Mr. M.P. Dixit, Counsel

For the Respondents : None

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This matter relating to the jurisdiction of Central Administrative Tribunal, Patna Bench is taken up by Kolkata Bench of Central Administrative Tribunal as authorized by Principal Bench vide its order dated 5.9.2018.

2. Ld. Counsel for the applicant is present. None for the respondents.
3. Ld. Counsel for the applicant submits that the matter has acquired urgency because the applicant is due to superannuate on 31.1.2019.
4. An Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"8.1. That your Lordships may graciously be pleased to declare the impugned order of recovery, to the tune of Rs. 284770/- towards commercial debts raised by Traffic Inspector (Accounts) as shown in the order dated 9.2.2016 as contained in Annexure A/1 as null, void, abinitio wrong and the same may be quash and set aside.

8.2. That the Respondents be further be directed to refund the amount if any recovered as shown in Annexure A/1 against the name of applicant along with statutory interest thereupon.

8.3. That the Respondents be further be directed grant all consequential benefits after quashing the impugned recovery in favour of the applicant for which he is legally entitled to.

8.4. Any other relief or reliefs including the cost of the proceeding may be allowed in favour of the applicant."

5. According to the Ld. Counsel for the applicant, the applicant came to know that an order (Annexure A-1 to the O.A.) has been passed on 9.2.2016 to debit Rs. 4,33,811/- on account of complaints received against Parcel Office, Mujjafarpur and that, in particular, it was decided therein that on account of the

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delay in movement of parcels in the said Parcel Office, a debit of Rs. 2,84,770/- has been raised against the applicant.

Having come to learn about such decision, the applicant had preferred a representation dated 17.5.2018 (Annexure A-2 to the O.A.) to Sr. Divisional Commercial Manager, East Central Railway, Sonapur (Respondent No. 6). Ld. Counsel for the applicant further submits that the purpose of the applicant would be served if directions are issued to the concerned respondent authority to dispose of the same in a time bound manner.

6. Accordingly, without entering into the merits of the matter, we direct the respondent No. 6, who is the Sr. Divisional Commercial Manager, East Central Railway, Sonapur to dispose of the said representation (Annexure A-2 to the O.A.), if received at his end, within a period of 4 weeks from the date of receipt of a copy of this order. Respondent No. 6 will dispose of the representation with a speaking and reasoned order in accordance with law. Till the disposal of such representation, the respondents may not take steps to recover any amount from the applicant on the basis of their order dated 9.2.2016 (Annexure A-1 to the O.A.).

7. With this, the O.A. is disposed of. There will be no order as to costs.


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP