

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

Date of order :27.09.2016

Present : Hon'ble Justice Mr. V.C. Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

O.A.1799 of 2010 : MEGHLAL BAIDYA

O.A.1800 of 2010 : SUJIT ROY

-V E R S U S-

UNION OF INDIA & OTHERS
(E. RLY.)

For the applicants : None
For the respondents : Mr. A Guha, counsel

ORDER

Per Mr. Justice V.C. Gupta, J.M.

None appears for the applicants. Heard. Id. Counsel for the respondents. We are going to decide these O.As under Rule 15 of C.A.T.(Procedure) Rules on the basis of the pleadings available on record.

2. These two applications have been filed for similar incident in which recovery was directed to be made against the applicants proportionately on the basis of an in house enquiry conducted by the respondent authorities. As both the cases are analogous and common question of law and facts are involved, they are being disposed of by a common judgment.

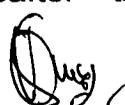
3. Brief facts of this matter are that both the applicants, Sri Meghlal Baidya (O.A.1799/2010) and Sri Sujit Roy(O.A.1800/2010) were the railway employees. Sri Meghlal Baidya was posted at Ballygunge station and subsequently he was transferred to Titagarh where he was serving as GSS Titagarh Booking Office . At that time a theft took place in Booking

Office of Ballygunge station on 13.12.2004 causing loss of Rs.3,57,736/-.

A criminal case was lodged and an in house enquiry was conducted. The applicants were also subjected to departmental proceedings. In in house enquiry, the applicants were held responsible for loss of Government money amounting to Rs.3,57,736/- which was kept in the chest. A recovery order was passed for recovering the amount proportionately from all the three persons who were found involved in the case. The third person who was involved in the matter was Mr. Biplab Sarkar. It has been contended that the letter of recovery which has been challenged in the O.A. was against the principles of natural justice and have been issued during the pendency of the criminal proceedings and disciplinary proceedings. In the departmental proceeding initiated against all the three persons (Sri Meghulal Baidya, Sujit Roy and Biplab Sarkar), they were found guilty for grievous misconduct of causing loss of Government exchequer and were punished. The order of punishment has not been challenged.

4. The order of recovery was supported by filing reply by the respondents indicating therein that during the in house enquiry sufficient opportunity was given to the applicants and only thereafter the order of recovery was passed on the basis of final outcome of in house enquiry.

5. The undisputed facts are that the present two applicants, Sri Meghulal Baidya, Sri Sujit Roy and the third person Sri Biplab Sarkar were accused in a criminal case for committing theft in booking office of Ballygunge station. An in house enquiry was conducted and a committee was constituted to hold enquiry. After conducting enquiry the committee came to conclusion that all the three persons were jointly responsible for the incident and loss to the Railway. Thereafter the disciplinary



authority/appointing authority after taking into consideration all the facts of the case ordered for recovery of the amount equally and proportionately from all the three persons. It is not in dispute that the applicants were punished in departmental proceedings and they have not challenged the punishment order.

6. In view of the above, we are of the view that by issuing an order of recovery the principles of natural justice has not been violated. In case of Biplab Sarkar this Tribunal held that the recovery order was issued in accordance with law and no interference is warranted in the matter. Therefore, we find no merit in these applications.

7. Accordingly both these applications are dismissed. No order as to costs.

(J. Das Gupta)
Administrative Member
sb


(Justice V.C. Gupta)
Judicial Member