

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO.10 OF 2013

Date Of Decision:- 05.09. 2018.

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A).
HON'BLE SHRI. R. N. SINGH, MEMBER (J).**

Hari Pal Singh

Retired Sr. S.E.(C) Dadar, Aged about 61 yrs,
Residing at Sanskrati, Plot No.A-5,
Sector 6, Near National Complex,
New Panvel, Navi Mumbai 410206.

....Applicant

(Applicant by Advocate Shri. Atul Mahajan)

Versus

1. Union of India,

Through the General Manager
Central Railway, Mumbai.
CST, Mumbai 400001.

2. Finance Advisor & Chief Account's Officer (Pension),

3rd Floor New Adm. Building,
D.N. Road, CST,
Mumbai 400001.

3. Deputy Finance Advisor &

Chief Account's Officer (Const.),
DAR, Near Platform No.5 (WR), Dadar,
Mumbai 400028.

4. Chief Administrative Officer (Const.),

New Administrative Building, D.N. Road,
Central Railway, CST, Mumbai 400001.

5. Deputy Chief Electrical Engineer(Const.),

DAR, Central Railway,
Dadar Railway Station, Dadar,
Mumbai 400028.

....Respondents

(Respondents by Advocate Shri. R.R. Shetty)

ORDER (ORAL)**PER:- HON'BLE SHRI. R.N. SINGH, MEMBER (J)**

1. Shri. Atul Mahajan, learned counsel for applicant.
2. Shri. R.R. Shetty, learned counsel for Respondents.
3. The applicant has prayed the following reliefs:-

“8(i). Quash and set aside the impugned retirement settlement orders at Annexure-A-1(i)&(ii).

(ii). Direct the respondents to settle the retirement dues afresh of this applicant restoring his basic pay to Rs.18,800/- instead of Rs. 17,400/- including the DCRG amount (Rs.5,49,120) with MACP benefits with interest.

(iii). Allow this OA.

(iv). Grant any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case; and

(v). Saddle the cost of this application on the respondents.”

4. Pleadings are complete in this case. At the outset, the learned counsel for the applicant submits that so far the reliefs sought for by the applicant in the OA except payment and settlement of DCRG, the applicant is not pressing the same. Therefore, now the applicant's grievances survives only qua settlement of settlement and payment of DCRG to him. In this regard, he draws our attention to the counter reply filed by the respondents, which reads as follows:-

“9. With reference to Para 4.11 to 4.15 of the

OA., the respondents respectfully submit that fifteen point six four (15.64) metric tons of material was stolen in the year 2000. However, the same quantity has never been recovered, and further, the description of missing material and recovered material was not matching until receipt of letter from Railway Protection Force, Panvel on 10.08.2013. A copy whereof is enclosed herewith and marked as Annexure R-4 for its true meaning and effect. A careful perusal whereof would bring home the point in favour of the respondents that the question of the stolen material having stood recovered at least in the possession of the police only become final on 10.08.2013. the respondents further submits that one of the Stock Verification Sheet was for Rs.95,961/- and the next one for Rs.2,34,300/- further the Narrative Report was for Rs. 90,810/- and accordingly there was a shortfall of Rs.4,21,071/- recoverable from the retiral dues of the applicant which is only his DCRG amount had been withheld. In the light of the aforesaid position, since now the police have confirmed receipt of the material, respondents are ready and willing to release the DCRG to the applicant as and when the material comes back into the custody of the railways. The respondents therefore, prays that the present OA is clearly infructuous and does not warrant any interference and the hands of this Hon'ble Tribunal.”

5. In view of the aforesaid, the OA is disposed of with

the directions to the respondents to consider and settle payment of DCRG to the applicant as admissible to him in accordance with the relevant rules and instructions within three months of receipt of certified copies of this order.

6. Accordingly, the OA is disposed of in the aforesaid terms with no order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

srp