

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1569/2016

Dated Tuesday, the 12th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

S. Gajendran

Rtd. Depot Material Supdt.

O/o Asst. Material Manager

Diesel Shed, Tondaiarpet

Southern Railway.

... Applicant

By Advocate M/s Ratio Legis

Vs

1. Union of India rep by

The General Manager

Southern Railway

Park Town, Chennai 600 003.

2. The Financial Advisor and

Chief Accounts Officer / IC

Perambur, Chennai 600 023.

3. The Chief Materials Manager (ENG)

New Joint Office

Ayanavaram, Chennai 600 023.

4. The Dy Chief Materials Manager
General Stores Dept/Southern Railway
Ayanavaram, Chennai 600 023.

... Respondents

By Advocate Mr. M.T. Arunan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records related to stock verification and settlement orders and the representation submitted by the applicant and to direct the respondents to pay the settlements dues to the tune of Rs. 3,96,393/- with admissible interest as per Rule 87 of Pension Rules 1993 and further to pass such other order/orders.”

2. It is submitted that the applicant had joined the Southern Railway as a Khalasi in the year 1981 and retired from service on superannuation on 31.10.2013 from the post of Depot Material Superintendent, Southern Railway. The respondents, allegedly without evaluating the post performance of the applicant's work and without considering his blemishless record, withheld an amount of Rs.3,96,393 from his terminal benefits on an allegation that there was a shortage of 2.774 kilolitres of lube oil in Tondiarpet depot during stock verification. The applicant submitted a detailed explanation on 23.09.2013 as to how he was not accountable for the shortage. However, the respondents continued to withhold the said amount from the settlement dues and hence this OA.

3. On perusal, it is seen that the OA was admitted on 05.10.2016 and notice was directed to be issued to the respondents by Dasti through the counsel for the applicant. The respondents entered appearance on 18.09.2017. However, despite adjournment of the matter on several

dates thereafter no reply has been filed by the respondents. It is seen that the respondents' counsel was represented by a junior counsel on 20.11.2018 who sought time for filing reply. Accordingly the matter was posted for 14.12.2018. No reply was filed even thereafter.

4. When the matter was called on 03.01.2019, again a junior counsel of the standing counsel appeared for the respondents appeared and sought three weeks time to file reply and the time was granted. The matter was accordingly posted for 12.02.2019. However, there is no representation for the respondents today. Nor has any reply been filed.

5. A perusal of the pleadings in the OA indicates that an account stock verification dated 23.09.2013 was reported in Annexure A-1 note, a copy of which was endorsed to the applicant. The explanation given by the applicant along with the remarks of CDMS/TNP was forwarded by AMM/DSD/TNP to the competent authority by Annexure A-2 communication dated 25.10.2013. The applicant made Annexure A-4 representation dated 06.08.2015 seeking release of the withheld amount of Rs.3,96,393 as he was incurring heavy expenditure on private treatment of his wife who was a chronic diabetic patient.

6. The applicant's Annexure A-4 representation was forwarded to the competent authority by Annexure A-5 letter written by AMM/GSD/PER to AMM/DSD/TNP dated 21.09.2015 seeking advice on the disposal status of stock sheets pending against the applicant and whether the letter dated

25.10.2013 addressed to the applicant had been handed over to him. This was followed by Annexure A-6 reminder dated 28.10.2015.

7. It appears that the applicant retired on superannuation on 31.10.2013 and an amount of Rs.3,96,393 had been withheld from his terminal dues. As more than five years have passed since and the respondents have failed to file a reply, I deem it appropriate to direct the competent authority to take a final decision on Annexure A-4 representation dated 06.08.2015 in the light of Annexure A-2 letter dated 25.10.2013 addressed to Senior AFA/IC/PER and any other relevant material/facts of the case and pass a reasoned and speaking order on the claim for release of the withheld amount to the applicant within a period of two months from the date of receipt of a copy of this order. In the event of the applicant not being found at fault for the alleged shortage, he shall also be paid admissible interest as per Rule 87 of the Pension Rules, 1993 as sought in this OA.

8. OA is disposed of as above. No costs.

(R.RAMANUJAM)
MEMBER (A)
12.02.2019

M.T.