

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.2791/2014

this the 1st day of May, 2019

**Hon'ble Mr. V. Ajay Kumar, Member(J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Raghbir Chand (Aged about 53 years)
S/o late Sh. Bihari Lal,
R/o H.No. E-13, Railway Colony, Jind,
Working as: Senior Section Engineer /P Way
Jind - Applicant

(By Advocate: Mr. RK Shukla)

VERSUS

1. Union of India
Through General Manager,
Northern Railway Headquarter,
Baroda House, New Delhi
2. The Divisional Railway Manager,
Northern Railway, Estate Entry Road,
Pahar Ganj, New Delhi
3. The Divisional Finance Manager,
Northern Railway, Estate Entry Road,
Pahar Ganj, New Delhi
4. The Divisional Engineer – IV,
Northern Railway, Delhi Division,
Pahar Ganj, New Delhi - Respondents

(By Advocate: Mr. Kripa Shankar Prasad)

ORDER (Oral)

By Hon'ble Mr. V. Ajay Kumar, Member (J):

The applicant, a Senior Section Engineer under the respondent – Northern Railway, filed the OA, seeking quashing of the Annexure A/1, Notice dated 01.07.2014

whereunder the respondents have informed him that there was old outstanding stock-sheet pertaining to the period when the applicant was in-charge of the concerned post and also asked him to submit the representation, if any, thereto.

2. According to the applicant, he has submitted Annexure A/2 representation dated 04.07.2014 in reply to the said impugned Annexure A/1 dated 01.07.2014 and that that the respondents, without passing any order thereon, started recovering the amounts. This Tribunal, in an MA filed by the applicant in the instant OA, stayed the recovery.

3. Heard Mr. R.K. Shukla, counsel for the applicant and Mr. Kripa Shankar Prasad, counsel for the respondents and perused the pleadings on record.

4. Though the respondents, in their counter, stated that basing on the joint inventory taken by stock verifier, RPF officials and the applicant as well as Sh. Jagdish Chander, who has taken over the charge from the applicant, the shortage was quantified at Rs.1,45,86,899/- and attributable to the applicant, but nowhere it was stated that any final order indicating the total shortage and the calculation thereof was supplied to

the applicant at any point of time. It is also not the case of the respondents that at any point of time, they have passed any such order and communicated to the applicant, and even the impugned Annexure A/1 show cause notice also does not contain the complete details and any specific amount of shortage.

5. In the circumstances, the OA is allowed and the impugned Annexure A/1 Notice is quashed. The respondents are directed to issue a fresh notice giving all the details of alleged shortage/outstanding stock sheets to the applicant within four weeks from the date of receipt of a copy of this order and on receipt of such notice from the respondents, the applicant shall submit his representation thereto within six weeks thereof and on receipt of such a representation from the applicant, the respondents shall pass an appropriate speaking and reasoned order thereon within 60 days therefrom, in accordance with law. Till then the interim stay of recovery shall be in force. Once the respondents complete this exercise and pass a final order, they are at liberty to proceed, as per the said final order. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)