

**Central Administrative Tribunal
Principal Bench**

OA No. 653/2018

New Delhi this the 23rd day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Narsi Ram Ratan,
Flat No.263, Green View Apartments,
Pocket-II, Sector-19, Dwarka,
New Delhi-110 075

- Applicant

(By Advocate: Mr. SP Sethi)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Railways,
(Railway Board)
Rail Bhawan,
New Delhi-110 001
2. Chairman,
Railway Board,
Ministry of Railways,
Rail Bhawan, New Delhi-110 001
3. The General Manager,
North Central Railway,
Allahabad

- Respondents

(By Advocate: Mr. Kripa Shankar Prasad)

ORDER (Oral)

The applicant has filed the present OA, seeking the following reliefs:-

- “(i) direct the respondents to release his settlement dues forthwith;
- (ii) the respondents to pay interest on his settlement dues @18% per annum from the date of his superannuation till the date of final payment;
- (ii) any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. Counsel for the applicant drew our attention to the fact that in this OA, the applicant was chargesheeted and finally, the following order was passed on 27.11.2016:-

“2. The President has observed that the part of the charge that Shri N.R. Ratan failed to handover all the storage ledgers under his custody to the next incumbent Shri R.G. Mishra before his retirement is proved. However, the other part of the charge which supplies gravity to the misconduct that he created hindrance to railway affairs has not been proved.

3. The President has, therefore, held that the charge proved against Shri N.R. Ratan is not grave enough to warrant cut in his pensionary benefits and has ordered that the charge leveled against him be dropped.”

Hence, he contends that after the aforesaid final order, all the cuts made against his pensionary payments could not have been made by the respondents. In reply thereto, the respondents do not admit the entire plea of the applicant. They point out that the entire settlement dues was paid to the applicant, i.e., Provident Fund, GICP, except leave encashment and DCRG due to non-vacation of Railway Quarter and ECCS loan as informed by SSE/PW/CNB vide the office letter dated 31.07.2008. Further, they informed that the applicant has not given some record which were mentioned in the chargesheet, like Establishment and store file, Uniform Register, Register related to Money Value Book, Register for material on loan to staff and hence, they have deducted some payments on account of the same.

3. After hearing both the parties and perusing the record, it becomes clear that the Railway Board, vide its letter No.E(D&A) 2012 AE 15-1, dated 24.11.2016 has already completed the inquiry against the applicant of this OA in which it has been clearly observed that the charge proved against the applicant of failure to handover all the storage ledgers under his custody to the

next incumbent after retirement is not grave enough to warrant cut in his pensionary benefits and has ordered that the charge leveled against him be dropped. Therefore, the averment of the respondents with regard to any amount deducted on account of the failure to handover the storage ledgers under the custody of the applicant of this OA cannot be monetized nor can any amount be recovered on this ground.

4. However, the respondents have been able to show that the applicant was liable to pay the damage rent for retaining the Railway Quarter No. B -1/D, Type-II, MTC Colony, CNB. It is also admitted by the applicant himself vide rejoinder filed on Annexure A/8 dated 23.06.2009 that he handed over the said quarter on 23.06.2009, i.e., after the due date of handing over the same and hence the amount of damage rent is recoverable from him. Similarly, electric charges for the said quarter are always paid by the residents of the quarters and hence, the applicant is liable to pay the same. Similarly, ECCS loan taken by the applicant are also deductible from his final pension amount.

5. In the factual circumstances of the case, it becomes clear that no amount can be deducted from the applicant of this OA on the basis of the said Railway Property Claim Balance which is said to be calculated as Rs.473613.50/-. As other part of recovery in the said matter has been dropped in view of the President's order dated 24.11.2016, the same can no longer be recovered. Hence, it is directed that permissible items of deductions, i.e., damage rent, electric charges and ECCS loan will be deducted as per rules and a final due and drawn statement be issued within 30 days of receipt of a copy of this order. Thereafter the respondents shall make

payment of all the outstanding amounts, if due and not paid to the applicant, within a further period of 60 days along with the interest at the rate applicable to GPF deposits for the period of delay beyond three months from the date of final order of the President dated 24.11.2016 as per Rule 68 of the CCS(Pension) Rules, 1972.

6. With the above directions, the OA is partly allowed. No order as to costs.

(Nita Chowdhury)
Member (A)

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