

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Tuesday 28<sup>th</sup> day of February Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER (J)

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00203/2016

T.C. Thangaraj,  
S/o. Chinnapaiyan,  
Chief Ticket Inspector,  
Southern Railway,  
Madurai Division,  
Madurai.

....Applicant

(By Advocate : T. Fennwaltern Associates)

VS.

Union of India Rep. by

1. The Divisional Railway Manager,  
Madurai Division,  
Southern Railway,  
Madurai;

2. The Senior Divisional Commercial Manager,  
Madurai Division,  
Southern Railway,  
Madurai.

...Respondents

(By Advocate: Mr. P. Srinivasan)

**ORAL ORDER**

(Pronounced by Hon'ble Mr. Justice A. Arumughaswamy, Member (J))

The case of the applicant is that he is a Chief Ticketing Inspector in the respondent establishment. While on duty on 26.6.2014 in Kanyakumari Express, from Madurai to Chennai, he lost his Briefcase with Excess Fair Ticket Book (EFT) and Smoking Fine Booklet and other regular forms. On 28.06.2014, he gave a complaint with the Railway Police, Madurai stating that in his black colour Suit Case and black colour Bag, the following items were found missing:-

- "1. EFT Book No. 878150 to 878 199
2. Smoking Fine Receipt: 015150 to 015199
3. Lower Class Certificate : 603351 to 603400;
4. Cash Remittance Memo: 854250 to 854299;
5. I CL DCP No. 098792 Valid upto 31.03.2015
6. Department ID card
7. Receipt of Remedies."

The same was taken on file later and they issued the non-traceable Certificate on 31.07.2014.

2. It is stated by the applicant that the loss of ticket book and the booklet may be a deficiency in duty but the same had not caused any revenue loss to the railway as they had been lost without signature and seal. The entire commercial transactions were monitored for administrative purpose from Trichy. From the office of the Southern Railway, Trichy, an error advice was issued on 26.09.2014 by calculating the value of loss of booklets as Rs. 56500/-. The above amount was arrived in the following manner.

"a) The minimum 3<sup>rd</sup> A/C Charge between Madurai to Chennai is Rs.930/- and for foils 50X930 =Rs.46,500/-

b) The fixing Smoking fine is Rs.200/- and for 50 foils the same is arrived as Rs.10,000/-."

3. Applicant submitted an explanations dated 08.12.2014 followed by 28.2.2015 and 05.3.2015. The respondents without considering the explanation, had simply arrived a conclusion that a sum of Rs. 56,500/- was lost and ordered recovery from salary by order dated 31.3.2015. Further, the applicant was issued with a charge memo dated 05.3.2015 which ended in awarding a punishment of withholding increment for one year and on appeal, the same was modified as withholding of increment for 6 months without cumulative effect.

4. It is alleged that the applicant had thus been awarded double punishment for a single incident. Since there is no revenue loss to the Southern Railway, levying the penalty through proceedings dated 31.3.2015 was not warranted. The penalty of Rs. 56,500/- was recovered from monthly salary from March 2015 onwards as Rs. 5000/- per month. Hence, he has filed the instant O.A. seeking the following reliefs:-

"to call for the records relating to the proceedings of the 2<sup>nd</sup> Respondent made in No. UC419/Coaching/EFT/Missing/05 dated 31.03.2015 and quash the same and consequently direct the Respondents to refund the recovered amount Rs. 56,500/- with interest."

5. Respondents have filed their reply contesting the O.A. It is stated by the respondents in para -7 of the reply that applicant had not appealed against the recovery order.

6. Heard both. The applicant has not challenged the penalty imposed on the charge memo dated 05.03.2015 in the instant O.A. He has approached this Tribunal only challenging the recovery advice dated 31.03.2015, for which he has not exhausted the appeal remedy available to him against recovery order.

7. Under the circumstance, the ends of justice would be met, if we dispose of the O.A. by granting liberty to the applicant to file an appeal to the competent authority against the recovery advice dated 31.3.2015 within a period of four weeks from the date of receipt of a copy of this order and, thereafter, within six weeks the same is directed to be disposed of by the respondents as per the procedure known to law.

8. The O.A. is accordingly disposed of. There shall be no order as to costs.