

Item No.7

30.10.2006

MA 1416/2006

OA 451/2003

Present: Sh. P.S. Vimal, applicant in person

MA 1416/2006

None appears for respondents even on second call. Reply has also not been filed on behalf of respondents to MA 1416/2006, vide which applicant seeks execution of an order dated 27.1.2004 passed in OA 451/2003.

2. It is contended that he had grievance on various counts namely interest on HBA, one month's salary towards Railway Employees Liberalized Health Scheme, deduction towards income tax as well as house rent besides excessive electric charges recovered. Applicant in person fairly concedes that as far as HBA is concerned, a sum of Rs.728/- recovered excessively has already been returned vide cheque bearing no.554163 on 15.7.2005 and, therefore he is satisfied on that count alone. Besides the above, out of a sum of Rs.20,000/- towards electric charges, he had been refunded a sum of Rs.13,000/- only. It is further contended that rest of directions relating to reliefs on other counts namely basic pay, income tax deductions, house rent etc. remained to be still un-complied with.

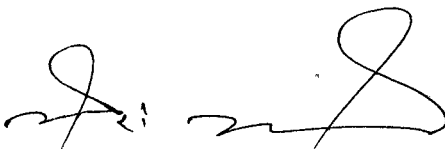
3. Upon hearing the applicant and on perusal of aforesaid detailed judgment, I find that respondents were directed to look into the matter afresh as per the rules and decide the applicant's basic pay at the time of retirement and the pension paid to him. As far as excessive recovery towards income tax is concerned, it was observed that only relief available to him was to make claim of

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refund with the concerned department based on certificate issued by the employer.

4. It is contended that he has made a representation on 24.1.2005 highlighting various actions to be taken by the concerned department, which remained un-complied with, as nothing has been communicated to him except the communication dated 03.8.2005.

5. As already noticed, I find that respondents passed aforesaid communication dated 03.8.2005 with reference to his representation dated 24.1.2005 and maintained that other recoveries made from applicant's DCRG stand good. In my considered view, if the applicant is aggrieved by the stand taken by the respondents, he, under the law, is required to take appropriate action in accordance with rules, law etc. He cannot expect this Tribunal to act like a ministerial accountant to calculate each aspect of the case and determine which amount has been recovered in excess. This is beyond the purview of application under Section 27 under the Administrative Tribunals Act, 1985. With passing of communication dated 03.8.2005, a new cause of action has accrued to him. Accordingly, MA is disposed of with liberty to applicant to take appropriate steps in accordance with rules and law on the said subject.

6. Accordingly, MA stands disposed of.


(Mukesh Kumar Gupta)
Member (J)

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