

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00570/2019

Thursday, this the 31st day of October, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member

K.M.Babu, S/o.Late K.J.Markose, aged 76 years
 Retired Assistant Divisional Engineer (ADEN)
 East Coast Railway, Kattackel House
 Oliyappuram P.O, Koothattukulam (Via.)
 Ernakulam District, Kerala, Pin -686 662
 Mob No.9446503268

..... **Applicant**

(By Advocate : Mr.M.Paul Varghese)

V e r s u s

1. Senior Divisional Personnel Officer
 East Coast Railway, Khurda Road Division
 Jatni P.O, Odisha – 752 050
2. Senior Divisional Finance Manager
 East Coast Railway, Khurda Road Division
 Jatni P.O, Odisha – 752 050
3. Divisional Railway Manager
 East Coast Railway, Khurda Road Division
 Jatni P.O, Odisha – 752 050
4. Chief Engineer
 East Coast Railway, Bhubaneswar, Odisha – 751 023
5. Chief Finance Manager
 East Coast Railway, Bhubaneswar, Odisha -751 023
6. General Manager
 East Coast Railway, Bhubaneswar, Odisha – 751 023
7. Chairman, Railway Board
 Ministry of Railways
 Rail Bhavan, Raisina Road, New Delhi – 110 001

8. Union of India represented by its Secretary to Government
Ministry of Railways, New Delhi – 110 001
9. The Manager, Canara Bank, Accounts Section (Pension)
Spencer Tower-II, 770-A, Anna Salai, Chennai – 600 002
10. The Manager, Canara Bank, Koothattukulam Branch
Koothattukulam-686 662 **Respondents**

(By Advocate : Mr.Thomas Mathew Nellimoottil for R 1-9)

This application having been heard on 31.10.2019 the Tribunal on 31st day of October 2019 delivered the following:

ORDER (ORAL)

By Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member

Learned counsel for the applicant prays for permission to withdraw the Original Application without prejudice to the applicant's right to file a proper Original Application. Permission is granted and the Original Application is closed as withdrawn with liberty to file a fresh Original Application in accordance with law. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A1 - True copy of the Pension Payment Order No.PEN/SE/KUR/07020079702 dated 28.2.2002.

Annexure A2 - True copy of the seventh CPC revised PPO (PRE 2016) issued on 31.10.2017

Annexure A3 - True copy of the representation dated 6.7.2004 (signed on 7.7.2004) submitted by the applicant

Annexure A4 - True copy of the letter dated 23.9.2005 addressed to the applicant by the Deputy Chief Personnel Officer (Gaz), for General Manager (P), South Eastern Railway, Garden Reach, Kolkata – 700 043, along with the Disciplinary Order dated 20.9.2015 and the advice of the Union Public Service Commission dated 23.8.2005

Annexure A5 - True copy of one of the representations dated 9.7.2008 of the applicant addressed to the 3rd respondent

Annexure A7 - True copy of the reply letter dated 11.12.2018 of the applicant

Annexure R1 - The true copy of letter dated 9.12.2016 about the minutes of the joint review meeting held on 28.10.2016 in connection with clearance of out standing Accounts Note. From Senior Divisional Engineer (Hq) Khurda Road to respondent no.1.

Annexure R2 - The true copy of letter dated 13.8.2018 about the recovery of outstanding dues from DCRG/DR towards loss of store from Senior Divisional Engineer (Hq) Khurda Road to respondent no.1.

Annexure R3 - The true copy of letter dated 3.12.2018 from respondent no.1 to applicant in connection with recovery of outstanding dues from DCRG/DR towards loss of store

Annexure R4 - The true copy of letter dated 22.4.2019 from Senior Divisional Finance Manager to the Manager Canara Bank, Chennai regarding recovery of outstanding dues towards loss of store against Ex.AEN/KUR(K M Babu)

Annexure R5 Series - The true copy of letter dated 6.7.1998 with its enclosure from Divisional Engineer (South) Khurda Road to the Chief Track Engineer, South Eastern Railway Garden Reach. Regarding cost

of shortage items detected during stock verification of stores of PW1/Berhampur during 1995-96 and 1996-97

Annexure R6 - The true copy of letter dated 18.2.1999 from DRM (Engineering), Khurda Road to the Chief General Engineer, South Eastern Railway Garden Reach. Regarding shortage of Pt.I stores under PW1 Berhampur during Accounts Stock verification for the year 1995-96 and 1996-97

Annexure R7 series The true copy of Requisition and Seizure List dated 2.12.1998 made by Inspector/CBI/BBS

Annexure R8 - The true copy of letter dated 20.9.2019 from Addl.SP, CBI, ACB/Bhubaneswar II to Senior Divisional Engineer (South)/KUR regarding status of CBI case in Case No.CRLA/77/2008

Annexure R9 series The true copies of Rule 9 and 10 of Railway Services (Pension) Rules 1993

Annexure R10 - The true copy of judgment dated 23.12.2008 in case No.SPE No.2 of 1999 (Arising out of RC No.34(A) of 98)

Annexure R11 - The true copy of Sr.DAO/KUR's letter dated 13.8.2002

Annexure MA4 - The true copy of judgment in case No.SPE 02/1999 dated 23.12.2008

Annexure MA5 - The true copy of Deputy Superintendent of Police by CBI and ACB, Bhubaneswar letter dated 20.9.2019

Annexure MA1 - True copy of reply received from the applicant's Controlling Officer (Senior DEN (Co-Ord)) dated 10.9.2019 and communication received from South Eastern Railway Headquarters through letter dated 9.9.2019

Annexure MA2 - The true copy of judgment in case No.SPE 02/1999 dated 23.12.2008

Annexure MA3 - The true copy Deputy Superintendent of Police by CBI and ACB, Bhubaneswar letter dated 20.9.2019.