IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7501 of 2016

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1. The Union of India represented through the General Manager, East Central Railway, Hajipur, Bihar.
2. The General Manager (Personnel), East Central Railway, Hajipur, Bihar.
3. The Divisional Railway Manager, East Central Railway, Samastipur Division, Samastipur, Bihar.
4. The Divisional Railway Manager (Personnel), East Central Railway, Samastipur Division, Samastipur, Bihar.
5. The Divisional Railway Manager (Commercial), East Central Railway, Samastipur Division, Samastipur, Bihar.

.... Petitioner/s

Versus

Subhashini Kisku, W/o Sri Manik Hansda working as chief Reservation Supervisor, Samastipur Railway Station, Samastipur, residing in Railway Quarter No. 555 A, Gandhi Park, Samastipur, Bihar, Permanent Address - Vill - Pahaarpur, Post - Lohandia Bazar, District - Godda (Jharkhand).

....Applicant/s - Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)
Date: 08-08-2016

Heard learned counsel for the petitioners.

2. The challenge in the present writ application is to the order dated 25th March, 2015 of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') by which O.A. No. 835 of 2013 filed by the respondent stands allowed.

3. The respondent (applicant before the Tribunal), while working as Reservation Supervisor was promoted as Deputy

Chief Reservation Supervisor and upon superannuation of Mr. N. Tete on 30.04.2002 is working as Chief Reservation Supervisor. As the system of issuing computerized tickets came into existence in the year 1995 at Samastipur, the old printed tickets became useless and were kept in stock room. Mr. N. Tete did not hand over the stock of unsold printed tickets to the respondent. On a direction from the office of the Divisional Railway Manager, Samastipur to Mr. N. Tete for handing over charge of old and unused printed tickets to the respondent, he replied that no one had taken charge of the tickets from him. It then transpired that the unused tickets were burnt by the Finance Department between 01.03.2005 to 10.03.2005. The respondent was then served notice for deduction of Rs. 8,28,539/- relating to debit balance for obsolete tickets. Being aggrieved, the respondent moved before the Tribunal in O.A. No. 835 of 2013 and the said recovery was quashed by order dated 25th March, 2015, which is the subject matter of the present writ petition.

4. Learned counsel for the petitioners submitted that since the respondent had taken over charge from Mr. N. Tete, it was her responsibility to verity the stock and report the matter to the higher authorities. It was submitted that the said is also the requirement as per the provisions of the Commercial Manual of the Railways as she had the keys of the stock room in her possession. It

was further submitted that the Railways have incurred a huge loss due to non accounting of such obsolete printed tickets and the respondent has been held accountable only in proportion to her guilt as from Mr. N. Tete also there is an order for recovery.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the petitioners, we do not find any merit in the present writ application. The so called loss suffered by the petitioners is nothing but an imaginary figure. It is an admitted position that from 1995 onwards, printed tickets are not in use, as issuing of computerized tickets has been put in place. Thus, after 7 years of the said system, when the respondent took charge as the Chief Reservation Supervisor, there could not have been any misuse of the tickets by her. Further, it is also an admitted position that her predecessor had not handed over the charge of old and unused printed tickets for which he was also directed by the Divisional Railway Manager, Samastipur to do so. Moreover, such tickets were also burnt by the authorities in the year 2005. Thus, sound and cogent reasoning has been given by the Tribunal that the respondent could not have been made liable for any material of which she was not given charge of by her predecessor and that after the computerized system coming into existence in the year 1995, the printed obsolete tickets should have been destroyed much prior to

the respondent taking charge of the Chief Reservation Supervisor and more importantly, the fact that before issuing of debit balance, the Department is required to be satisfied that unused/blank tickets were sold causing loss of revenue, which in the present case has not been done.

6. In view of the aforesaid, we do not find any error in the order passed by the Tribunal which may warrant interference in the present writ petition which, accordingly, stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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