

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 20966 of 2017

Union of India and others

Petitioners

*Mr. P.K. Parhi, ASGI along with
Ms. Babita Sahu, CGC*

Vs.

***Central Administrative
Tribunal, Cuttack Bench,
Cuttack and another***

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

12.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Parhi, learned Assistant Solicitor General of India appearing for Union of India-Petitioners.

3. The Union of India and its functionaries have filed this writ petition seeking to quash the order dated 23.06.2017 passed in O.A. No. 260/00182 of 2015, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack, has quashed the order of recovery issued by the authority.

4. The factual matrix of the case, in brief, is that opposite party no.2, while continuing as Station Superintendent in Kaluparaghat Railway Station, was handed over Obsolete Printed Card Tickets (in short 'PCTs') on 18.01.2013 by his predecessor in that office. Those tickets had been declared as obsolete since 2009 because of introduction of UTS System, by which the computerized generated tickets were issued at the Railway ticket counters. Those obsolete tickets were kept in the stores of the Railway Stations. The obsolete tickets were being disposed of by being burnt into ashes in phased manner in all the Railway Stations. Opposite party no.2 was informed by the authorities that the destruction of the

obsolete tickets shall be taken up on 20th, 22nd, and 25th of August, 2014 in presence of nominated officers. As per the given schedule, a total of 3,82,762 Obsolete Tickets were destroyed by being burnt into ashes. But 37 Obsolete Tickets were found to be missing at the time of destruction of the Obsolete Tickets. The value of Obsolete Tickets, which were not found, was estimated to Rs.10,005/-. Opposite party no.2 had taken charge of those tickets from his predecessor. In July, 2013 those stocks were also shifted from the old building to a new building and at that time, those tickets were scattered, which might have resulted in some loss. Thereafter, opposite party no.2 was served with a hand written debit memo from M.R.R. Dora, Senior TIA, Berhampur on 27.08.2014 asking the opposite party no.2 to clear the amount. Opposite party no.2 being aggrieved, filed a representation before the petitioner no.3-Senior Divisional Commercial Manager, Khurda praying that the deficiency in respect of the Obsolete Tickets may be condoned by the authorities. Subsequently, opposite party no.2 located 19 Obsolete Tickets from a store room which he reported to the authorities. Thereafter, on 26.12.2014, a fact finding joint inquiry was also conducted into the loss of those tickets by the authorities. On 06.02.2015, opposite party no.2 received a letter dated 02.02.2015 from petitioner no.3, wherein it was indicated that the competent authority, having found him responsible for the loss of those Obsolete Tickets, has decided to recover an amount of Rs.10,005/- from the salary of opposite party no.2 in two equal installments. Aggrieved by the order dated 02.02.2015, opposite party no.2 approached the tribunal by filing O.A. No. 80 of 2015, which was disposed of vide order dated 26.02.2015 quashing the order impugned and directing the petitioners to dispose of the representation of the opposite party

no.2. Thereafter, on 26.03.2015, opposite party no.2 received letter dated 23.03.2015 from the petitioner no.3 communicating the order of the competent authority that his representation had no merit and thus his prayer was rejected. The order of rejection dated 23.03.2015 was the subject matter of challenge in the original application. The tribunal, after hearing the parties, came to a conclusion that the Obsolete Tickets had not current value and had to be disposed of by burning them into ashes. Therefore, why the current price of the tickets was taken into account is also not understood. The tribunal further held that for making assessment of current amount, no pari materia provisions is provided, and that the tribunal had directed the authorities to dispose of the representation of the opposite party no.2, but the same was not discussed in a detailed manner. More so, while considering the representation of the opposite party no.2, principles of natural justice was not complied with. Thereby, the tribunal, by holding that recovery is not sustainable under law, quashed the order dated 23.03.2015 and allowed the original application.

5. In the above view of the matter, this Court does not find any error apparent on the face of the order impugned and, as such, the tribunal has passed a reasoned order by affording opportunity of hearing to all the parties. As a consequence thereof, the writ petition merits no consideration and the same is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Balaram

(V. NARASINGH)
JUDGE