1st September, 2025
(M/L No.22)
Ct. No.4
(SKB)

W.P.C.T.105 of 2019

Union of India and others
Versus
Prabir Kumar Mazumder

Mr. D. N. Ray, Sr. Adv.,
Mr. Rajesh Kumar Shah
… for the petitioners.

Mr. Ujjal Roy,
Mr. Arpa Chakraborty
… for the respondent.

1. The respondent/applicant retired as Chief Catering Inspector in 2007. In the year 2013, certain demands had been made for a period prior to his retirement. The applicant/respondent has been held liable for amounts, which are termed as "catering debit" and are to be realized from the respondent/applicant on the spot in terms of Joint Procedure Order (JPO)- 99 (paragraph 3).
2. The petitioner has sought quashing of such demand before the Central Administrative Tribunal, Kolkata Bench, (in short 'Tribunal') by filing O.A. No.784 of 2013.
3. The Tribunal, in the proceedings, called upon the authorities to substantiate the amount sought to be recovered as "catering debit" amounting to Rs.57,54,011/- from the applicant/respondent.

4. The authorities were required to show whether the amount had been ascertained after due intimation or opportunity to the applicant/respondent, which apparently they could not establish before the Tribunal.

5. The Tribunal was not impressed by the stand of the authorities as they could not substantiate the amount sought to be recovered. They could not produce any documentary evidence to show that there was *any* determination of such amount, by reconciliation, statement or any other documents. Thus, the order passed by the Tribunal is the subject matter of the present proceedings at the instance of the railway authorities.

6. The sheet anchor of the respondent authorities before the Tribunal was that the authorities had the scope of making recovery in terms of paragraph 3 of JPO-99, which reads as follows:

> *"3. The AM47 will be made in two parts, namely part-I & part-II.*
> *The [art-I debit will include:-*
> *i) Arithmetical mistake,*
> *ii) Non-accountal/short accountal in Stock book,*
> *iii) Balancing mistake in Stock book,*
> *iv) Short remittance,*
> *v) Shortage of Cash, Stores & stock,*
> *vi) Inflated Market Rate*
> *vii) Excess over Production Analysis Register.*
> *viii) Bursting over Messing Allocation (in case of Rly.Hotels), and*
> *ix) Any other irregularity that the Inspecting official considers as a direct loss to the Railways.*

Amount of debit, thus completed as part-I, should be remitted on the Spot by the Catg.Manager. The full particulars of the remittance are to be furnished on the face of the report. Any incidence of non-remittance will be reported to the CCM/Catg. by A/c's official through AAO/CD. In absence of specific remarks of the Catg.Manager for non-remittance of the part-I amount on the spot, he will have to be taken up under D&A Rules including suspension wherever warranted."

7. The O.A. No.784 of 2013 filed by the applicant was thus allowed since recovery was not legally substantiated and the Tribunal directed that no recovery shall be made from the applicant.

8. Mr. Ray, learned senior advocate appearing on behalf of the Railways submits that the effect of the order passed by the Tribunal is that the applicant has been absolved of the entire demand which the applicant/respondent was liable to pay to the Railway authorities, being a huge amount of Rs.57,54,011/- as "catering debit".

9. The learned advocate representing the respondent/applicant, on the other hand, submits that the amounts being unsubstantiated and the demands being raised six years after retirement of the respondent/applicant cannot be recovered. In this connection, he submits that there are Rules/Regulations and Instructions which provide that such baseless

and stale claim cannot be recovered from a retired employee.

10. Without going into the rival submissions, we dispose of the writ petition because the order passed by the Tribunal, in our opinion, requires no interference as, in spite of opportunity being given before the Tribunal, the authorities could not substantiate the huge amount sought to be recovered from the retired employee.

11. The learned senior advocate for the writ petitioners has prayed that the authorities may be allowed liberty to proceed against the applicant/respondent in terms of JPO-99, to which we observe that if there is any Rule or Provision, which still allows recovery of such amount or dues from a retired employee, the order of the Tribunal would not stand in the way of such action, but strictly in accordance with law.

12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)