CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A No. 350/1668/2019

Bablu Aich, S/o Late Badal Aich, aged about 44 years, retired as Head Cook under the control of Divisional Railway Manager, Khurda Road Division, East Coast Railway at present working as Executive (EO) under Group General Manager, Indian Railway Catering and Tourism Corporation Ltd., at present residing at Flat No. 2, 3rd Floor, Chandra Bati Village Road, (Uttar Podrah) Opposite Baghajatin Club, P.O. Podrah, Howrah – 711109, West Bengal.

..Applicant

- Vs -

1. Union of India through the General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, District – Khurda, Pin – 751017, Odisha.

2. Chief Personnel Officer, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, District – Khurda, Pin – 751017, Odisha.

3. Divisional Railway Manager, Khurda Road Division, East Coast Railway, Post – Jatni, Pin – 752050, Odisha.

4. Sr. Divisional Personnel Officer, Khurda Road Division, East Coast Railway, Post – Jatni, Pin – 752050, Odisha.

5. Sr. Divisional Commercial Manager, Khurda Road Division, East Coast Railway, Post – Jatni, Pin – 752050, Odisha.

6. Sr. Divisional Finance Manager, Khurda Road Division, East Coast Railway, Post – Jatni, Pin – 752050, Odisha.

Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1668/2019   Date of Order: 10.02.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

BABLU AICH   ...   Applicant

Versus

Union of India & Ors. ...   Respondents

For The Applicant(s):   Mr. C.Sinha, Counsel

For The Respondent(s):   Mr. R.K.Sharma, Counsel

O R D E R (O R A L)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsel for the applicant.

2.   Since none appears on behalf of the respondents despite notice, Mr.

R.K.Sharma, Ld. Counsel who usually appears for the East Coast Railways, is

directed to appear in the matter.

3.   Applicant, a retired Head Cook of the East Coast Railway, has moved

this O.A. seeking the following reliefs:

> "8.a)   To direct the respondents to pay interest @ 12% p.a.
> on delayed payment of Pension, DCRG and Leave
> Encashment on a total amount of Rs. 16,43,792/- (Rs.
> 14,97,652 + Rs. 74,970 + Rs. 71,170) w.e.f. 01.01.2007 to
> 27.07.2018 i.e. the date of issuance of PPO.
>
> b)   Any other order orders as the Hon'ble Tribunal deems
> fit and proper."

4.   Facts of the case, in short, are that the applicant was appointed on 01.08.1994 in South Eastern Railway. While working as Head Cook under East Coast Railways, he retired on 31.12.2006. However, the retiral benefits having not been released he preferred representation on 30.09.2015 and, subsequently, moved O.A. No. 862/2017. Consequent to the orders passed by this Tribunal, PPO dated 27.07.2018 was issued and the applicant has been paid arrear of pension, DCRG and Leave Encashment in the year 2018. There being delay of more than 11 years, the applicant preferred representations vide Annexure-A/13 before Sr. Divisional Personnel Officer, Khurda Road Division (Respondent No. 4) and having received no response has moved this O.A. with the aforesaid reliefs.

5.   Ld. Counsel for the applicant submits that he would be satisfied if a direction is issued to Respondent No.4 to consider the pending representations as at Annexure-A/13 within a specific time frame.

6.   Ld. Counsel for the Respondents does not object to the consideration of representations in accordance with law.

7.   Having heard Ld. Counsels for both the parties and without going into the merits of the matter, we would direct Respondent No.4, to consider the pending representations of the applicant (Annexure-A/13 to this O.A.) and issue a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

In the event, the applicant is found to be entitled to the interest on the delayed payment, the same shall be released within a period of two months therefrom.

8.   O.A. is disposed of accordingly. There shall be no order as to costs.

(Nandita Chatterjee)   (Bidisha Banerjee)
Member (A)   Member (J)

RK