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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/351/013/2020

Date of Order: 15.01.2020

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

Mr. V. K. Aziz, son of Late Ali Ahmed, aged about 59 years, residing at Manarghat, Post office – Wimberlygunj, South Andaman, Pin – 744206 and working to the post of Head Warder in the District Prison, Prothrapur, South Andaman under the Superintendent (Prison), District Prison, Prothrapur under Andaman and Nicobar Administration, Port Blair.



Applicant

versus

1. Union of India, service through the Secretary, Ministry of Home Affairs, Government of India, South Block, New Delhi – 110001.
2. The Andaman & Nicobar Administration, service through the Chief Secretary, having its office at Secretariat, Port Blair – 744101.
3. The Chief Secretary, Andaman & Nicobar Administration, Secretariat, Port Blair – 744101.
4. The Superintendent (Prison), District Prison, Prothrapur, Andaman & Nicobar Administration, District – South Andaman, Port Blair – 744103.
5. The Inspector General (Prison) Andaman & Nicobar Prison Department, Andaman & Nicobar Administration, Secretariat, Port Blair – 744101.
6. The Jailer, District Prison, Prothrapur, Andaman & Nicobar Administration, District – South Andaman, Port Blair – 744103.
7. The Chief Pay and Accounts Officer, Andaman & Nicobar Administration, Secretariat, Port Blair – 744101.

Respondents

For The Applicant(s): Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For The Respondent(s): Mr. P. K. Das, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both parties.

2. The applicant has preferred this O.A to seek the following reliefs:

"a) To quash and/or set aside the impugned memo dated 19.09.2019 by which the respondent has taken a plea that pension paper of the applicant cannot be processed because of pendency of his case regarding his transfer being Annexure A-18 of this original application which is against the order dated 12.03.2019 passed by this Hon'ble Tribunal in O.A. No. 351/1015/2018 being Annexure A-17 of this original application.

b) To pass an appropriate order directing upon the respondents to disburse the settlement dues and pension in respect of the applicant along with all retiral benefits including gratuity and other consequential benefits along with 12% interest from the date of retirement till the date of actual payment in respect of the delayed payment of the settlement dues within a specific period of time by imposing cost upon the respondents who are withholding his dues because of no fault on the part of the applicant.

c) To pass an appropriate order directing upon the respondents authority that since the applicant was continuing in service in his respective post in terms of the interim order dated 16.07.2018 in O.A no. 351/1051/2018 till his retirement i.e 30.09.2019, therefore, the question of non-regularization of 237 days in the interim period cannot be sustainable in the eye of law and on that ground the Chief Pay and Account Officer may be directed to regularize the interim period of 237 days since the applicant was protected with the interim order dated 16.07.2019 which was continued till his retirement i.e 30th September, 2019.

d) To pass an appropriate order directing upon the respondents authority to take immediate step in respect of disbursement of his settlement dues and pension in respect of the applicant so that he can get immediate financial relief to survive in the rest of his life along with his family members."

3. At hearing, Ld. counsel for the respondents would submit that applicant's pension matter is being processed at Pay & Accounts office and it shall be finalized and some orders would be issued and the matter would be settled within a period of 3 months.

4. Accordingly, we direct respondents to ensure that an appropriate order is issued and the payment reaches the applicant within 3 months from the date of receipt of this order.

5. In the event the applicant is statutorily entitled to interest on delayed payment, the same shall also be released within that period, ^{if} ~~an~~ admissible rates.



6. We make it clear that we have not entered into the merit of the matter.
7. In the event the applicant is further aggrieved, he may prefer a representation and come up with a fresh application.
8. With the aforesaid direction, the present O.A stands disposed of. No order is passed as to costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)



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