

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00115/2020

Date of Order: This, the 8th Day of June, 2020

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER



Sri Parag Barman
Aged about 57 years
Son of Late Surendra Nath Barman
Resident of House No.1, Gopal Than Path
Rukminigaon, Guwahati-781 022.

... Applicant

- Versus -

1. The Union of India
Represented by the Secretary
Railway Board, Ministry of Railways
Government of India
New Delhi- 110 006.
2. The General Manager
N.F.Railway, Guwahati
Assam-781 011.
3. The Principal Financial Adviser
N.F.Railway, Maligaon, Guwahati
Assam-781 011.
4. The Financial Adviser & Chief Accounts Officer
(Finance & Budget), N.F.Railway, Maligaon
Guwahati-781 011.

... Respondents

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For the Applicant: Sr Advocate Sri U K Nair
Ms Niharika Shyamal

For the Respondents: Ms Usha Das, SC Railways

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

This matter has been taken up through video conferencing.



By this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is seeking following relief(s):-

"8.1 To direct the Respondent authorities to forthwith finalise the pension and pensionary benefits of the applicant.

8.2 To release to the applicant the amount due to him on account of his pension and pensionary benefits along with interest at bank norms w.e.f. the date such amounts were due to the applicant.

8.3 Cost of the application.

8.4 Any other relief/relief(s) to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal upon consideration of the matter."

2. The facts, in brief, are that applicant was initially appointed as Junior Accounts Assistant and had joined his service on 12.11.1990. He received two promotions

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during his service. According to the applicant, in view of his personal problems, he applied for voluntary retirement w.e.f. 31.12.2019. His prayer was accepted and accordingly he was allowed to proceed on voluntary retirement w.e.f. 31.12.2019. According to the applicant, he submitted his pension papers duly completed in all respects on 02.01.2020 to the office of respondent no.3 for necessary processing and finalization of his pension and pensionary benefits. As the pension and pensionary benefits were not finalized, applicant submitted a representation dated 24.02.2020 before the respondent no.2 for immediate settlement of his pension and pensionary benefits, but to no avail till date. Hence this application.



3. Sri U K Nair, learned senior counsel assisted by Ms N Shyamal, learned counsel appearing for the applicant submitted that the delay occasioning in finalizing the pension and pension papers of the applicant has put the applicant into untold hardship and miseries on account of financial constraints. Learned Sr counsel further submitted that the respondents have not spelt out the reasons for not

finalizing the pension and pensionary benefits and the delay occasioning the same has the effect of withholding of pension and pensionary benefits. Learned sr counsel forcefully submitted that withholding of pension and pensionary benefits of the applicant without any justification of the same, tantamounts to subjecting the applicant to unwanted harassment has the effect of undermining the quality of life of the applicant and his dependents.



4. Having heard the learned senior counsel for the applicant and on perusal of the OA we are of the opinion that since the representation of the applicant has not yet been disposed of ends of justice would be met if the respondents are directed to dispose of the same within a time frame. Ms. U.Das, learned standing counsel for the railways also submitted that respondents will not have any objection in considering his pending representation.

5. In view of the above observations, without issuing notice to the respondents and without entering into merits of the matter, we direct the respondents to

consider and dispose of the pending representation dated 24.02.2020 within a period of 30 days from the date of receipt of this order. Since the applicant has retired and not getting his pension and pensionary benefits respondents will consider the case of the applicant and expeditiously grant him the due benefits as per law.



6. The OA is disposed of accordingly at the admission stage itself.

(N. NEHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICAIL MEMBER

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