

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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OA 1198/92

24.09.1992

Shri M.M. Suri

...Applicant

VS.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri D.R. Roy, Counsel

For the Respondents

...Shri N.K. Aggarwal,
Counsel

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant, Shri M.M. Suri was allowed voluntary retirement w.e.f. 31.7.1991 and has gone to Rail India Technical and Economic Services Limited (RITES) and has been finally absorbed there. Before this, the applicant was working as Ex-Shop Superintendent, Matunga Workshop, Central Railway. The grievance of the applicant has been that there has been abnormal delay in payment of the retirement claims of the applicant after his voluntary retirement/absorption in RITES w.e.f. 31.7.1991. In para 4.8, the applicant has narrated his grievance of non payment of certain dues which are as follows :-

(a) TA and DA claim for July, 1991 equal to Rs.744,

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- (b) Sick leave salary from 9.10.1990 to 7.4.1991.
 - (c) Railway Employee Insurance Scheme Account.
 - (d) Transfer and packing allowance as admissible on retirement.
 - (e) Encashment of leave due.
 - (f) DCRG as due.
 - (g) 100% commuted value of pension, and
 - (h) Certificate of family pension.

The respondents were issued a notice and in reply to the notice, the respondents have filed a chart giving the details of the terminal benefits/other dues payable to the applicant and stated that the applicant has been paid to the tune of Rs.2,68,194 through a cheque dt. 8.6.1992. The matter was also heard on the last occasion when the respondents stated that all the dues of the applicant calculated according to the Rules have been paid. The matter was, therefore, adjourned for today asking the applicant to file the details of the amount which according to him still remains due after the payment of the amount made as indicated in the short reply filed by the respondents.

Today on the hearing of the case, the learned counsel for the respondents has circulated a chart. This chart, however, does not show anything which remains outstanding against the respondents which the respondents have still to pay any of the outstanding dues of the applicant on account of his service rendered before his absorption in RITES with the



respondents. This chart further indicates that besides the sum of Rs.68,194, the respondents have also paid certain other amount through cheque, i.e., Rs.4,725 on 4.7.1992 and another amount of Rs.38,640 on 10.7.1992. The grievance of the applicant appears to be that as this amount has also been found due against the applicant, so the calculation made by the respondents is not correct and the applicant be informed individually of each item and the dues which were paid to him of various items outstanding during his service.

The pleadings cannot be vague~~d~~ and the relief which the applicant has claimed in the Original Application is regarding the payment of certain ^{dues} ~~differences~~. Since all the dues have already been paid and there is no further amendment or clarification of the same showing that any amount is due against the respondents, so nothing survives in the OA which automatically becomes infructuous. However, to be fair and just, the applicant may himself calculate the amount and if still any amount remains due, then he can specifically pursue his remedy by filing a fresh application for the specific relief in this regard. As regards this Original Application, the same stands disposed of by virtue of the categorical statement of the learned counsel for the respondents substantiated by a chart filed by them that the dues of the applicant have since been paid. In view of this fact, the application is disposed of as infructuous with the liberty to

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the applicant to assail any other grievance of short payment by
a subsequent application, if so advised. Cost on parties.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)
24.09.1992