

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 03rd day of June, 2004.

Original Application No. 312 of 2004.

Hon'ble Mr. A.K. Bhatnagar, Member- J.

Ghanshyam S/o Sri Dooli, Rtd. Kante Wala
Office Address :- Railway Station, Bareilly City, Bareilly.
Address :- Surkha, Post- Shyamganj, Retired Kante Wala,
Railway Station, Bareilly City, Bareilly.

.....Applicant

Counsel for the applicant :- Sri G.S.D. Mishra

V E R S U S

1. Union of India through the General Manager,
N.E. Rly, Baroda House, New Delhi.
2. General Manager, N.E. Rly. Gorakhpur.
3. Divisional Railway Manager, N.E. Rly.,
Izatnagar, Bareilly.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

This O.A has been instituted under section 19 of
Administrative Tribunals Act, 1985 seeking for a direction
to the respondents to consider and decide the representation
dated 12.10.2002 filed by the applicant. The applicant has
further sought direction to the respondents to release the
entire post retiral benefit including full wages with
interest with immediate effect.

2. The case of the applicant, in brief, is that he was
employed in N.E. Rly., Izatnagar, Bareilly as Kantewala. The
applicant has worked for 32 years 3 months and 11 days in the

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respondents establishment which is evident from perusal of annexure- 2. The applicant applied for voluntary retirement on 20.04.2001. By letter dated 18.07.2001 issued by the D.R.M, N.E. Rly., Izatnagar, Bareilly which was received by the applicant on 28.07.2001 the applicant was informed that his application dated 20.04.2001 has been accepted and he will be treated as retired from 31.07.2001 and the applicant was retired on 31.07.2001 from the Railway Station, Bareilly. The grievance of the applicant is that although he has been given provisional pension but other post retiral benefits ^{✓ brava} ~~had~~ not been released by the respondents. Learned counsel for the applicant has submitted that a report was lodged against him under section 498A/304-B IPC in Police Station, Prem Nagar Bareilly and the applicant was convicted by the Special Judge (EC Act/A.S.J, Bareilly on 24.11.2001. He was granted bail from Hon'ble High Court on 29.11.2001 and on 10.01.2002 Hon'ble High Court has also suspended the conviction of the applicant. Learned counsel has further submitted that his conviction does not debar him from his legal right of getting his pension and other pensionary benefits. He has ~~retired~~ on 31.07.2001 after serving the respondents establishment for more than 32 years without any complaint. Therefore, he is entitled for his pension and other post retiral benefits like gratuity, Provident Fund, Insurance etc.

3. Learned counsel for the respondents prays for time to file CA which I consider is not necessary as this O.A can be disposed of by issuing appropriate order with direction to respondent No. 3 i.e. D.R.M. N.E Rly., Izatnagar, Bareilly. Learned counsel for the applicant submitted that he will be satisfied if his representation filed as annexure- 1 dated 12.10.2003 is decided by the competent authority as per ^{✓ rules} ~~rules~~ extant ~~rules~~.

4. In view of the above and ~~in my considered view~~ the O.A is disposed of with direction to D.R.M, N.E Rly., Izatnagar,

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Bareilly (respondent No. 3) to consider and decide the representation of the applicant dated 12.10.2003 within a period of three months from the date of receipt of copy of this order by a reasoned and speaking order.

5. There will be no order as to costs.


Member J.

/Anand/