

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

Original Application No.311/2019

Dated this the 28th day of June, 2021

CORAM:

Hon'ble Sh. Jayesh V. Bhairavia, Member (J)

Hon'ble Sh. A.K. Dubey, Member (A)

Shri Abdul Mazid,
Son of Shri Abdul Hakim Quresi,
Age:61 years,
E.Khalasi of the respondents,
Residing at: 249, Chotala Chawl,
Rajpur, Gomtipur,
Ahmedabad - 380 001.Applicant

(By Advocate :Shri M.S.Trivedi)

Versus

1. Union of India through
The General Manager,
Western Railway,
Churchgate, Mumbai - 400 020.

2. The Divisional Railway Manager (E)
O/o.DRM, Western Railway,
Divisional Office, Ahmedabad Division,
Nr.Chamunda Bridge, Asarwa,
Ahmedabad – 380 002.

3. Senior Divisional Financial Manager,
O/o Sr.DFM, Western Railway,
Divisional Office, Ahmedabad Division,
Nr.Chamunda Bridge, Asarwa,
Ahmedabad – 380 002 ...Respondents

(By Advocate Ms.Nisha Parikh)

ORDER (ORAL)

Per Shri Jayesh V Bhairavia, Member (J)

1. In the instant OA, the applicant has sought relief for quashing and setting aside the decision of the respondent dated 05.12.2018 (Annex.A/1) rejecting his request dated 07.02.2019 in purported compliance to the decision dated 23.08.2018 in OA 416/2018. Further he prays for issuance of direction to the respondent to recalculate the notional benefits on the basis of total correct qualifying service in the case of the applicant and to pay due arrears with 12% interest with exemplary cost. It is mainly submitted that the applicant neither remained absent from 01.01.1983 to 05.03.1984 and 03.07.1984 to 14.08.1986 nor the applicant had received the NIP dated 01.03.1987. The respondent has passed the impugned decision contrary to the facts and record. Learned counsel for the applicant fairly submits that although the difference of amount is paid to the applicant but it is not clear whether the amount of leave encashment has been considered in the said amount or not and whether it has correctly calculated and paid to the applicant. Hence, this OA.
2. On the other hand, the respondents have filed their reply. It is submitted that the respondents have re examined the case of applicant and corrected the service record/PPO details of the applicant. The pension case of the applicant has also been reviewed by the department and difference of pension payment arrived at has been paid to the applicant as per revised PPO by the Bank. The details of payment of settlement dues as also the notional payment of difference paid to the applicant are as under:

Sr No.	Payment of Settlement Dues	Previously Paid Amount Rs.	Revised Paid Amount As under Rs.	Difference of Payable Amount
1	DCRG	624624	643500	18876
2	Leave Salary	298432	373750	75318
3	Commutation	715828	737461	21633
4	Pension	18200	18750	Diff. will be Paid by Concerned bank.

According to the respondents, the prayers sought in the OA has already been resolved.

3. Counsel for the applicant reiterated his submission and submits that recalculation of the benefits on the basis of total correct qualifying service and 12% interest on delayed payment has not been paid to the applicant.
4. We have perused the material on record. It is noticed that in compliance of the directions issued by this Tribunal in OA 416/2018, the respondents have re-examined the claim of the applicant and as noted hereinabove they rectified their mistakes followed by revision of PPO and paid the differential amount. The grievance of the applicant is that the calculation is not correct; as such it cannot be taken up at this stage, if he is not satisfied with the additional payment paid by the respondent to him on revision of settlement dues, it is the duty of the applicant to approach the authority along with supporting documents for payment of differential amount payable to him if any left out. In absence of it, we do not find any infirmity in the decision of the respondent. Accordingly, OA stands dismissed. Pending MA if, any also dismissed.

(Dr.A.K.Dubey)
Administrative Member

(Jayesh.V.Bhairavia)
Judicial Member