

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.219/2021 with MA No.225/2021

This the 16th day of September, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri Somabhai R Vasava
S/o. Shri Ranchodbhai Vasava
Legal Heir of Late Shri Bhajibhai R. Vasava
Aged 59 years,
R/o. 225, Ramnagar, Junabazar,
Karjan, Vadodara – 391 240. Applicant

(By Advocate : Ms.S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
The General Manager
Western Railway, Churchgate,
Mumbai – 400 020.
2. Divisional Railway Manager (E)
Western Railways,
Pratapnagar, Baroda – 390 004. Respondents

(By Advocate : Shri M.J.Patel)

ORDER (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

1. Today, on the request of counsel for both the parties, the matter is
taken up for final hearing at the admission stage itself.

CAT, Ahmedabad Bench

2. Considering the grounds and explanation offered by the applicant in MA No.225/2021 for condonation of delay, the same is allowed and delay is condoned.
3. At the outset, standing counsel for the respondents, Shri M.J.Patel submits that prayer sought in this OA is with regard to lesser amount paid on the retiral benefits and arrears of DCRG, Leave Encashment, Gratuity without interest to the brother of the applicant Late Shri Bhajibhai Rachodbhai Vasava. In this regard, the representation of the applicant herein dated 31.08.2019 (Annexure A/1) has been made and the same is indeed pending before the competent authority for consideration. Further, it is prayed that the said pending representation shall be decided expeditiously by the respondents.
4. On the otherhand, counsel for the applicant, Ms. S.S.Chaturvedi fairly submits that in the representation dated 31.08.2020, the applicant has declared that though due amount such as Leave encashment, Gratuity and back wages are concerned, the same has been released and paid to the applicant, but lesser amount than what is entitled and also without interest. She request that the applicant will be satisfied, if direction is given to the respondents to consider the pending representation of the applicant within time framed and release the remaining amount of retiral dues as he is entitled.

CAT, Ahmedabad Bench

5. We deemed it appropriate to dispose of the OA at this stage by considering the submission made on behalf of the parties.
6. Accordingly, we dispose of the OA by directing the respondent No.2 to consider and decide the pending representation of the applicant dated 31.08.2020 (Annexure A-1) within a period of three months from the date of receipt of the order in accordance with the service record of ex-railway employee Late Shri Bhajibhai R. Vasava and intimate decision to the applicant. We make it clear that we have not expressed any opinion on the merit of the case.
7. With the above direction, the OA stands disposed. No order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

Nk