

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00365/2021

Jabalpur, this Friday, the 02nd day of July, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Nayan Kumar Chakraborty S/o Late Shri SN Chakraborty Retired
 Chief Ticket Inspector Aged about 69 years R/o 91/B Narmada
 Nagar, Gwarighat Road, Jabalpur (M.P.) 482001 -Applicant

(By Advocate –Shri Ghanshyam Barman)

V e r s u s

1. Union of India, Through General Manager West Central Railway Indira Market Jabalpur 482001
2. Divisional Railway Manager West Central Railway
 Near Indira Market Jabalpur (M.P.) 482001
3. Senior Divisional Finance Manager (Pension Cell) West Central Railway Jabalpur (M.P.) 482001
4. Assistant Divisional Personal Officer West Central Railway (DRM Office) Jabalpur (M.P.) 482001
5. Senior Divisional Commercial Manager West Central Railway Jabalpur (M.P.) 482001
6. Chief Accounts Officer/Pension West Central Railway
 Jabalpur (M.P.) 482001 - Respondents

(By Advocate –Shri A.S.Raizada)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed against the inaction on behalf of the respondents for not deciding the applicant's representation Annexure A/4.



3. From the pleadings the case of the applicant is that the applicant was appointed on 16.08.1977 as a Ticket Collector (Bombay Division) and was transferred to Jabalpur. In the year 2012 disciplinary inquiry was conducted against the applicant where a major penalty of compulsory retirement from service with all consequential benefit with full pension and gratuity was imposed upon him vide order dated 17.09.2012 (Annexure A/1). At the time of retirement his basic pension was fixed at Rs.21660/- as per 6th Central Pay Commission (CPC) which was revised and fixed at Rs.28450/- w.e.f.01.01.2016 as per 7th CPC. The respondent department has initiated the recovery from the applicant for the month of July, 2020, August 2020, September 2020 and October for an amount of Rs.9200/-, Rs.9200/-, Rs.9200/- and Rs.8362/- respectively from the pension of the applicant. The applicant submitted his representation from time to time but no response was received from the respondent department.

4. At this stage learned counsel for the applicant submits that the applicant may be permitted to file a detailed comprehensive representation to the respondent department for redressal of his grievance and respondent-department may be directed to decide the said detailed comprehensive representation along with representation submitted to Senior Divisional Finance manager WCR, Jabalpur which is at page 30 of the O.A. in a time bound manner.



5. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if the applicant is permitted to file a detailed comprehensive representation to the competent authority of the respondents who may be directed to decide the same along with Annexure A/4 page 30 of the O.A in a time bound manner.

7. Resultantly, applicant is permitted to file a detailed comprehensive representation to the competent authority of the respondents within a period of three weeks from the date of receipt of a copy of this order. Thereafter the competent authority shall decide the applicant's detailed comprehensive representation

including Annexure A/4 (page 30 of the O.A.) within a period of 8 weeks.

8. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in the said comprehensive representation as well as in Annexure A/4.



9. With these observations, this Original Application is disposed of at admission stage itself.

10. This Tribunal has not touched the merits of the case.

11. The applicant shall provide the copy of this order along with copy of O.A. as well as comprehensive representation to the respondent-authority.

(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

Karuna