

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00171/2020

Date of order: 2.3.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Pranab Kumar Nag,
Son of Late Sudhir Nag,
Residing at 4, Mitra Para Ghat Road,
P.O & P.S Nabadwip,
District- Nadia, (West Bengal),
Pin - 741302.

--Applicant

-Vs-

1. The Union of India,
Service through the Secretary,
Ministry of Railway,
New Delhi 110001.
2. The Chairman,
Railway Board,
Rail Bhawan,
New Delhi 110001.
3. The Executive Director (Estt.),
Railway Board,
Rail Bhawan,
New Delhi - 110001.
4. The Divisional Railway Manager,
Eastern Railway,
Howrah,
Pin code 712201.
5. The Chief Personnel Officer,
Eastern Railway,
Howrah,
Pin code 712201.
6. The Senior Divisional Railway Engineer,
Eastern Railway,
Howrah,

Pin code 712201.

7. The Deputy Secretary,
Department of Pension and Pension Welfare,
Lok Nayak Bhawan, Khan Market,
New Delhi - 110003.

--Respondents

For the Applicant : Mr. A.K. Chattopadhyay, Counsel

For the Respondents : Mr. N.D. Bandyopadhyay, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

Being aggrieved at not having received his complete retiral benefits, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"a) A direction be given upon the respondents to finalize the D & A proceedings pending before them since 17.08.2016 forthwith.

b) A direction be given upon the concerned respondents to immediately arrange for release of pensionary benefits after finalization.

c) To direct the Respondents to pay interest @ 10% per annum on delayed payment of pensionary benefits to the applicant till actual payment is made to the applicant in consonance with various orders/judgements passed by different High Courts and the Supreme Court of India in identical matters.

d) To pass such other or further order or orders as to Your Lordships may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. As no complicated question of law is involved, this matter is taken up, with the consent of the parties, for disposal under Appendix VIII of Rule 154 of the Central Administrative Tribunal Rules of Practice, 1993.

3. Ld. Counsel for the applicant would submit that the applicant had joined the respondent authorities in 1973. A departmental proceeding was initiated against him on 29.4.2009 and regular hearing was

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concluded on 27.9.2011. The applicant superannuated from his service on 30.11.2011, and, represented soon thereafter, alleging non-payment of his pensionary benefits, with follow up representations dated 12.8.2013 and 25.11.2013 respectively praying for his settlement dues. Finally, on 6.11.2015 (Annexure A-6 to the O.A.), he received a communication from the respondent authorities stating that, in response to his application under the RTI Act, 2005, it was to inform him that, "The entire case file with all sorts of formats is lying with CPO/ER/KKK for Presidential Approval."

4. The applicant, thereafter, represented seeking for release of the DA matter and finalization of his retirement dues to which he received a response at Annexure A-8 to the O.A., which states as follows:-

"Eastern Railway

No. E.787/O/PEN/Pt. XIII/Rly.Bd./2019/191

Kolkata, dated 12.09.2019

Sri Pranab Kumar Nag,
Mitrapara Ghat Road,
PO & PS Nabadwip,
District-Nadia,
West Bengal
PIN - 741302.

Sub: Grievance of non-payment of Final Pension, Gratuity, Pass in favour of Sri Pranab Kumar Nag, Ex-Sr. PWS under SSE(P. Way)/BWN(W)/HWH/E.Rly. after his retirement on Nov,2011.

Ref: 1) Your representation dated nil along with its enclosures forwarded by Railway Board vide Board's letter No. E(REP)III/2019/ER-Misc.(07) dated 29.03.2019 and received by this office through SPO/W&IR/E.Rly/Kol's letter No.E.1160/IR/CA-III & C Case Monitoring/2019 (70/2) dated 26.04.2019.

2) PCPO/E.Rly/Kol's letter No.E.2178/Sr.PWS/MPC/PKN dated 17.08.2016.

In reference to your representation dated nil quoted above on the subject matter, it is mentioned that D&A case initiated against you had been referred to Railway Board under this office letter dt. 17.08.2016 quoted under reference no(2) followed by several reminders for Presidential sanction on the proposal for cut in pension for finalization of the case keeping in view of Rule 8 & 9 of Chapter II, Part-I of Railway Services (Pension) Rules, 1993. Reply from Board is still awaited.

In this connection, it is mentioned that the payments of PF & GIS money of Rs.3,28,072/- and Rs.24,806/- respectively have already been

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given to you along with payment of provisional pension of Rs.8,965/- p.m.

As soon as this railway will receive the Presidential sanction, withheld payments of retiral benefits will be released as per order of the Board.

Sd/-
(J.P. Kusumakar)
Dy. Chief Personnel Officer/HQ
For General Manager (P)"

It was noted herefrom that, although his pension would be finalized upon receipt of Presidential sanction, payments on account of his Provident Fund and GIS had already been disbursed to him, and, that, the applicant has been granted provisional pension in the interim period.

5. The applicant, thereafter, represented further for release of his complete retirement dues, but, the issue not having been resolved, and, being further aggrieved, has approached this Tribunal in the instant O.A.

6. Ld. Counsel for the respondents, in response to directions of this Tribunal dated 25.1.2021, would submit that the final decision on the penalty in the disciplinary proceedings is awaiting Presidential approval, and, would also enclose an inter-departmental communication dated 14.6.2019 between the DRM, Howrah and the Office of the Principal Chief Personnel Officer, Eastern Railway in which the former had conceded that the staff concerned involved in such disciplinary proceedings, including the applicant, had superannuated almost 8 years ago, but, are yet to receive their settlement and other retirement benefits, and, that, they are regularly pursuing for early finalization of the disciplinary proceedings.

7. Both Ld. Counsel would agree that this matter can be disposed of by directing the appropriate respondent authority, who is the respondent No. 2, namely, the Chairman, Railway Board, to take necessary actions

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to expedite grant of Presidential approval so as to finalise the disciplinary proceedings in the context of the applicant.

8. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the respondent No. 2 or any other competent respondent authority is hereby directed to take all necessary steps so as to obtain Presidential approval within a period of 12 weeks from the date of receipt of a copy of this order.

Upon receipt of such Presidential approval, consequent actions should be taken to finalize the pension of the applicant, and, all his retiral dues which are withheld by the respondents should be finalized and released as per his lawful entitlement within a further period of 12 weeks thereafter.

9. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

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