

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00247./2020

Date of order: 8.12.2020

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

Manik Ganguly,
Son of Late T.K. Ganguly,
Residing at Village Parmila Apartment,
M.M. Dutta Road,
Desh Bandhu Para,
P.O. Siliguri, P.S.
District - Darjeeling,
Pin - 734 004.

... Applicant

- VERSUS -

1. Union of India,
Through the General Manager,
North East Frontier Railway,
Maligaon,
Assam,
Pin - 781011.
2. Chief Personnel Officer,
N.F. Railway,
Maligaon,
Assam,
Pin - 781 011.
3. Divisional Railway Manager,
N.F. Railway,
Katihar,
Bihar - 854105.
4. Divisional Personnel Officer,
N.F. Railway,
Katihar,
Bihar,
Pin - 854105.

... Respondents

Goh



For the Applicant: Mr. N. Roy, Counsel

For the Respondents : Mr. R.K. Sharma, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) To issue direction upon the respondent to consider the representation of the applicant for payment of retirement gratuity in favour of the applicant forthwith.
- (b) To issue direction upon the respondent to give delay payment of interest of 12% forthwith.
- (c) Any other order/orders Ld. Tribunal may deem fit and proper.
- (d) To produce connecting departmental records at the time of hearing."



2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. The facts in brief, as articulated by the applicant's Ld. Counsel is, that the applicant had superannuated on 31.7.2015 on completion of 33 years of qualifying service. His Gratuity, however, is yet to be sanctioned in violation of the provisions of CCS (Pension) Rules, 1972.

The applicant would claim that his right to Gratuity could not be denied by the respondents in terms of the ratio of the Hon'ble Apex Court in,

- (i) **Wazir.Chand v. UOI (O.A. No. 2573 of 1989)**
- (ii) **U.P. State Sugar Corporation Ltd. v. Kamal Swaroop Tondon, (2008) 1 SCC (L&S) 352**

and, accordingly has further claimed statutory interest on the delayed payment of Gratuity.

Ld. Counsel for the applicant would also urge that a direction be issued on the concerned respondent authority to decide on his

Wazir

representation at Annexure A-2 to the O.A: (followed by legal notice dated 5.12.2019), in a time bound manner.

4. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

5. Hence, with the consent of the parties, and, without entering into the merits of the matter, it is hereby directed that the addressee respondent authority or any other competent respondent authority may decide on the pending representation at Annexure A-2 to the O.A. within a period of 12 weeks from the date of receipt of a copy of this order. The said authority shall decide in accordance with law and convey his decision in the form of a reasoned and speaking order.

If so decided, consequent benefits may be released to the applicant along with statutory interest, as permissible under the rules, within a further period of 10 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

SP