

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/839/2021

Date of Order: 07.06.2021



Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri P.K.CHATTERJEE, son of Late Anil Kumar Chatterjee, aged about 70 years 11 months, retired as Depot Material Superintendent under the Deputy Chief Materials Manager (GSD), South Eastern Railway, Kharagpur Division and residing at Holding No. 439/257 at Chandipur, Old Malancha, P.O. Rakhajungle, P.S. Kharagpur(Local), Municipality Ward No. 11, District-Paschim Medinipur, Pin- 721301.

..... Applicant

Versus

1. UNION OF INDIA service through the General Manager, South Eastern Railway, 11, Garden Reach Road, Kolkata- 700043.
2. THE PRINCIPAL CHIEF MATERIAL MANAGER, South Eastern Railway, 11, Garden Reach Road, Kolkata- 700043.
3. THE CONTROLLER OF STORES, (redesignated as Principal Chief Materials Manager), South Eastern Railway, 11, Garden Reach Road, Kolkata- 700043
4. THE CHIEF MATERIALS MANAGER (M), South Eastern Railway, 11, Garden Reach Road, Kolkata- 700043.
5. THE DEPUTY CHIEF MATERIALS MANAGER (General Stores Depot), South Eastern Railway, Kharagpur, West Midnapur-721301.

..... Respondents

For The Applicant(s): Mr. P.C.Das, Counsel

For The Respondent(s): Ms. S.Choudhury, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties and perused the record.

2. The applicant has preferred this O.A. to seek the following relief:

"a) An order be passed directing the respondents to fix up pension and other retirement benefits of the applicant on the basis of average pay @ Rs. 17940/- per month and arrears should be paid to the applicant by modifying the part of the speaking order dated 20.10.2020 being Annexure A-12 of this original application.

b) The interest for delayed payment of pension and other retirement benefits to be paid to the applicant @ 12% per annum compounding on yearly basis.

c) An order be passed directing the respondents to pay entire cost and incidental thereof to the applicant."

3. The brief facts of the case as enumerated by Ld. Counsel for the applicant are that the applicant was earlier charge sheeted for a minor penalty proceeding and on culmination of the proceedings he was imposed with the punishment of withholding of two increments for the period of 24 months with non-cumulative effect and not affecting pensionary benefits. His appeal as well as revision petition was dismissed ~~withholding~~ ^{W.B} the punishment. Subsequently, a speaking order dated 20.10.2020 was issued by the Deputy Chief Material Manager (GDD), S.E.Railway (Respondent No. 5). The applicant, alleging that he is getting less pension as his average basic case has wrongly been fixed at Rs. 17,420/- instead of Rs. 17,940/-, preferred a representation on 15.11.2020. But, till date, no action has been taken by the respondent authorities.

4. At hearing, Ld. Counsel for the applicant would submit that the representation of the applicant dated 15.11.2020 is still pending consideration by authorities and that the grievance of the applicant may be redressed if a direction

is issued to the appropriate authority to consider his representation within a specific time frame.

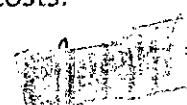
5. Ld. Counsel for the respondents has no objection for consideration of representation as per rules, if the same is pending.

6. Having heard both the Ld. Counsels, without going into the merits of the case, we dispose of this O.A. by directing that the competent respondent authority to consider and dispose of the pending representation dated 15.11.2020 by issuing a reasoned and speaking order, as per rules, within a period of eight weeks from the date of receipt of a copy of this order. In case, the applicant is found ~~to be~~ entitled to enhanced basic pay, the respondents shall take appropriate measures to grant the benefit to the applicant and to refix his pension etc.

7. The O.A. is accordingly disposed of with no order as to costs.



(Dr. Nandita Chatterjee)
Member (A)



(Bidisha Banerjee)
Member (J)

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