

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 350/00840/2020

Date of order: 7.12.2020

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

Sri Kanailal Chatterjee,  
Son of Late Sita Prasad Chatterjee,  
Aged about 76 years,  
Worked as Catering Inspector under  
Medical Supdt.,  
S.E. Railway,  
Kharagpur,  
Residing at Matukganj,  
P.O. – Bishnupur,  
Dist. – Bankura,  
Pin – 722122.

... Applicant

- VERSUS -

1. Union of India  
Through the General Manager,  
S.E. Railway,  
Garden Reach,  
Kolkata – 700 043.
2. FA & CAO (Pension),  
S.E. Railway,  
Garden Reach,  
Kolkata – 700 043.
3. Sr. Divisional Commercial Manager,  
East Coast Railway,  
Khurda Road,  
Pin – 752055.
4. Sr. Divisional Commercial Manager,  
S.E. Railway,  
Kharagpur.

... Respondents

For the Applicant : Mr. A. Chakraborty, Counsel  
Ms. P. Mondal, 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 Tribunal Act, 1985 praying for the following relief:-

"(a) An order do issue directing the respondents to finalize pension and to release Rs. 1,33,853/- which was recovered from the Dearness relief of the applicant and to grant interest."

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

3. Ld. Counsel for the applicant would submit that the applicant, an ex-employee of the respondent authorities, was penalized with the order of compulsory retirement. The concerned authority had issued the following orders on the applicant:

" On the basis of record I find that the decision taken for premature retirement is correct and review of service beyond 55 years of age/30 years of service has been done according to laid down procedure by three- member committee of JA grade officers. His performance has been below the acceptable level.

In the above circumstances of the case, the undersigned hereby passes following order:-

- (1) That Sri Chatterjee is retired compulsorily in terms of notice dt. 22.11.01 w.e.f 17.5.2002 (AN) i.e. from the date he ceased to work.
- (2) He shall be paid his salary for the entire period he worked under MS/KGP i.e. from 17.2.02 to 17.5.02.
- (3) All the settlement benefit as admissible under rules shall be settled by Kharagpur Division forthwith taking his date of retirement on 17.5.02.
- (4) Post retirement pass be granted as admissible under rules.
- (5) His DCRG to be released after recovery of amount of catering debits after table-reconciliation as per procedure in vogue."

That, although all his settlement benefits, as admissible under rules, was directed to be disbursed to him, his pension is yet to be finalized and his consequent benefits are yet to be disbursed.



Accordingly, the applicant has represented on 26.11.2019 (Annexure A-5 to the O.A.) in which he had prayed for finalization of his pension and grant of consequential benefits considering his retirement from service w.e.f. 18.5.2002.

4. Ld. Counsel for the respondents would argue that as his final PPO is yet to be issued, the pension could not be finalized.

5. Having heard both Ld. Counsel, and, without entering into the merits of the matter, we would hence direct the competent respondent authority to decide, upon examination of the applicant's representation at Annexure A-5 to the O.A., if received at his end, 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 communicate his decision in the form of a reasoned and speaking order. In case of a favourable decision, all consequential benefits shall be released, within a further period of 10 years thereafter.

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

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP