

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

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No. O.A. 350/01224/2020

Date of order: 12.1.2021

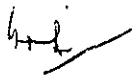
Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Dilip Kumar Mondal,  
Son of Late Sukumar Mondal,  
Aged about 76 years,  
Ex-Superintendent Central Excise and Customs,  
P-8, Purbasa Pally,  
Dr. A.K. Paul Road,  
Behala,  
Kolkata - 700 034.

... Applicant

- VERSUS -

1. Union of India,  
Through the Secretary to the  
Government of India,  
Ministry of Finance,  
Department of Revenue,  
North Block,  
New Delhi - 110 001.
2. The Commissioner,  
Central Excise,  
Kolkata - V Commissionerate,  
Bamboo Villa : 4<sup>th</sup> Floor,  
169, AJC Road,  
Kolkata - 700 014.
3. The Additional Commissioner,  
(P&V),  
Office of the  
Commissioner of Kolkata,  
South Commissionerate,  
CGST & CX,  
Kolkata South,  
GST Bhawan,  
180, Rajdanga Main Road,  
Santipally,  
Kolkata - 700 107;



4. Chief Accounts Officer,  
Central Excise,  
Kolkata – V,  
Commissionerate,  
15/1, Strand Road,  
Kolkata – 700 001.

5. Pay & Accounts Officer,  
Central Excise,  
Kolkata – V,  
Commissionerate,  
15/1, Strand Road,  
Kolkata – 700 001.

... Respondents

For the Applicant : Mr. P. Gupta, Counsel  
Ms. M. Dutta, Counsel

For the Respondents : Mr. V. Kundalia, 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) An order directing the respondents to release Gratuity on retirement, Leave encashment on retirement, Leave encashment as 10 months salary and General Insurance benefit with interest @ 12% per annum on gratuity and leave encashment from date of retirement till actual payment of the same or at such rate as to this Hon'ble Tribunal may deem fit and proper.
- (b) An order directing the respondents to release all his arrears of pension from the date of retirement along with interest @ 12% per annum till actual payment of the same.
- (c) An order directing the respondents to produce the concerned files so that conscionable justice may be done to the applicant.
- (d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard both Ld. Counsel and examined annexed documents. Affidavit of service is taken on record. This matter is taken up for disposal at the admission stage.

*hsh*

3. The submissions of the applicant, as conveyed through his Ld. Counsel, is, that the applicant has joined his service as Inspector, Central Excise & Customs, Govt. of India in 1977 and was promoted to the post of Superintendent in 1994.

A complaint was lodged against him on the grounds of acquiring huge assets by corrupt and illegal means and a RC Case No. 09 of 2003 was registered under the Prevention of Corruption Act, 1988 read with Section 109 of the Indian Penal Code.

On 9.8.2004, the applicant was relieved from Govt. service w.e.f. 31.8.2004.

The applicant was convicted vide orders dated 30.1.2017, and, his appeal being CRA No. 277 of 2017, is pending before Hon'ble High Court at Calcutta. The applicant has been released on bail by the Hon'ble High Court.

Although, the applicant has received his GPF dues as well as revised provisional pension, he is aggrieved because his outstanding dues in respect of Gratuity, Leave Salary as well as Group Insurance are yet to be disbursed by the respondents. The applicant had represented at Annexures A-9, 10 and 11 to the O.A. but as such representations remain pending, Ld. Counsel for the applicant would urge that the respondents be directed to dispose of such prayers in a time bound manner.

4. Ld. Counsel for the respondents would not object to disposal in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the addressee authority or any other competent respondent authority is directed to dispose of such representations, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order.

Such decisions should be taken in accordance with law in the light of extant Rules in this context and be conveyed to the applicant in the form of a reasoned and speaking order.

*hch*

In the event the applicant's claims are accepted, consequent action to disburse his entitlements should be completed within a period of 10 weeks thereafter.

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

  
(Dr. Nandita Chatterjee)  
Administrative Member

SP

