

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 29th day of March, 2001

Original Application No. 295 of 2000.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

Chakreshwar Nath Jain
S/o Late Bholi Nath Jain,
R/o H-297-A, Railway Harthala Colony,
Moradabad.

(Sri TS Pandey, Advocate)

. Advocate
Versus

1. Union of India through its Ex-officio Secretary and Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
4. Divisional Electrical Engineer, Northern Railway, Moradabad Division, Moradabad.

(Sri G.P. Agrawal, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant Chakreshwar Nath Jain has come up seeking relief to the effect that respondents be directed to make payment of arrears of pension alongwith provident fund, gratuity, group insurance and leave encashment including dearness allowance due to him and also to fix the pension. As per the applicant's case, he was initially appointed as Head Light Fitter on 7-8-1953 and continued in service with due service benefits as per his entitlement. It was on 20-8-1974 that he was

Sec.

dismissed from service because of his alleged involvement in criminal case. After exhausting departmental remedies he preferred writ petition no.7658/1975 before the Hon'ble High Court which was decided on 09-1-1981 by the Division Bench of that Court and the punishment orders impugned therein, were quashed. The Union of India preferred a SLP No.2944/1981 before the Hon'ble Supreme Court which was decided vide the judgement rendered on 01-11-1985 with the observation that this SLP was covered by the judgement in Civil Appeal No.6814/1983 - Union of India Vs. Tarsi Ram Pater and in terms of ratio in Tarsi Ram Pater's case, the SLP of the applicant was decided. After the decision ^{is by SC} before the Apex Court, the applicant claimed his wages but the same was declined by respondent no.4. The applicant retired from service on 31-5-1993. Learned counsel for the applicant submits that it is ^{is Case of C.} deemed retirement on attaining the age of superannuation without any formal order from the side of respondents. Thereafter the applicant made efforts from different angles to get his retirement benefits and even representations to the respondents could not be of any avail and, therefore, he has come up seeking the above relief.

2. The respondents have contested the case, filed counter reply and placed preliminary objection on the point of limitation. It has also been pleaded that in view of dismissal of the applicant from service in the year, 1974 and thereafter no reinstatement in service, he is not entitled to any benefit ^{as C} claimed.


3. We have heard learned counsel for the parties and perused the record.

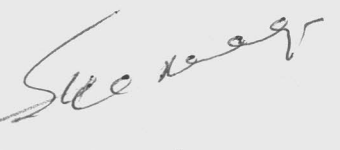
4. We find that the respondents ought to have replied the representation of the applicant preferred on 16-12-1999, copy of which has been annexed as Annexure-A-5 to the OA.

See

So ^{far} as the applicant either could ^{/know} reasons for non-payment of his claim or his claim ^{could} have been settled.

5. For the above, we find it a fit matter to direct the respondents to decide the pending representation of the applicant dated 15-12-1999, (copy of which has been annexed as Annexure-6) within six months from the date of communication of this order and pass a detailed speaking and reasoned order. It is also directed that if the applicant is found entitled to any payment as retirement benefits the same be paid within eight weeks thereafter, after taking into consideration the chart filed with the OA as Annexure-A7. The OA is decided accordingly with no order as to costs.


Member (A)


Member (J)

Dube/