

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1147 of 2003 (U)

Allahabad this the 22nd day of September, 2003

Hon'ble Maj Gen K.K. Srivastava, Member(A)

Jairam Singh S/o Late Jailal Singh, Voluntary ret'd.
Railway Driver Grade 'A' Special, Aged about 80 years,
R/o Mahant Building, House No.17, Loco Bazar, Laksar
Pin-247663 District Haridwar, Uttaranchal.

Applicant

By Inperson

Versus

1. Divisional Railway Manager, Northern Railway,
Rail Division, Moradabad.
2. Union of India through General Manager, Northern
Railway, Baroda House, New Delhi.
3. Director Accounts (Postal), U.P.Circle, Lucknow.

Respondents

By Advocate Shri A.K. Gaur

O R D E R (Oral)

By Hon'ble Maj Gen K.K. Srivastava, Member(A)

In this O.A. filed under Section 19 of
the Administrative Tribunals Act, 1985, the applicant
has prayed for payment of his due amount, as stated in
paras-5, 6 and 7 of the O.A. The O.A. has not been
filed in proper format. Shri Jairam Singh-applicant
submitted that since he is unable to pay fee to the
advocates, he has not engaged any counsel to plead
his case. He had retired on 04.01.81 and now he is
81 years old.

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2. The facts in short are that the applicant filed an O.S.No.382/79, which was transferred to this Tribunal and registered as T.A.No.173/87. This T.A. was decided by this Tribunal in October, 1987 with direction to the department to promote the applicant as Driver Special Grade w.e.f. 01.02.79 with all consequential benefits. Since retiral benefits were not provided to him as to his entitlements, he filed another O.A.No.1358 of 1993 which was decided by the order of this Tribunal dated 09th November, 2000 with the following order;

"For the above, it is provided that incase the applicant moves a fresh representation within 4 weeks from the date of this order narrating therein his claim and the rules in this regard, the competent authority in the respondents establishment shall decide the same by way of detailed, reasoned and speaking order within a period of 8 weeks thereafter and incase the applicant is found entitled to any further payment, the same be paid within 2 weeks thereafter, with interest at the rate of 10% from the date, when amount fell due to payment and the date of actual payment. The O.A. is disposed of accordingly. No order as to costs."

3. The applicant filed contempt petition no. 199 of 2001, which was disposed of by order dated 23.08.02 with the following observations;

"In our opinion, it was incumbent upon the respondents, being an ideal employer, to have sorted out the issue in regard to the non-payment by addressing the Director of Accounts (Postal) Lucknow, which they have not. It appears that the amount due to the applicant is lying with DAP and since the Post Office from where the

applicant is drawing his pension has not been directed by D.A.P Lucknow the same remains unpaid to him. At this juncture Sri P. Mathur gave the undertaking that in case this amount has not been paid to the applicant the respondent will issue a duplicate payment order. The entire issue is to be decided within 2 months from the date this order is filed before respondents."

4. The applicant's grievance is that at this advanced stage, he is not in a position to pursue his case and he prayed for appropriate direction today itself.

5. I have heard applicant in person and also perused the record.

6. On 23.08.2002, Shri P. Mathur who appeared as counsel for the respondents in contempt petition no.199/01 gave the undertaking that in case the amount due has not been paid to the applicant, the respondents will issue a duplicate payment order, and the entire issue was directed to be decided within 2 months from the date of communication of the order dated 23.08.02.

7. The applicant submitted that inspite of the commitment of the learned counsel for the respondents, he has not been informed about the payment of his dues. He is also in dark in absence of any communication from the respondents.

8. From the above, it appears that the case of the applicant is not being handled by the respondents properly. Once an undertaking was given by the respondents, it is incumbent upon them to inform the applicant

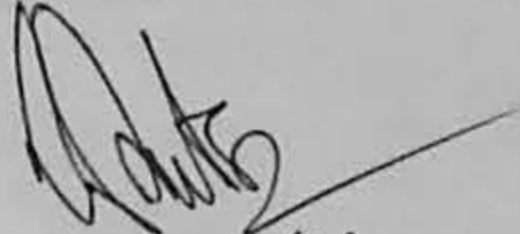
about the progress of the case, which obviously has not been done, leaving no alternative for the applicant but to approach this Tribunal by filing this O.A.

9. In my considered opinion, the interest of justice shall be met if suitable directions are issued to the respondents so that long pending claim of the applicant is finally resolved. The respondent no.2 is directed to look into the case of the applicant personally and take appropriate action i.e. to ensure that a duplicate payment order is issued within four weeks to avoid harassment to the applicant in case the amount has not been paid earlier. In either case the applicant shall be informed about the same so that he is in a position to pursue the payment of the same through Laskar Post Office.

10. The respondent no.3 is also directed that he will take prompt action on receipt of any such communication from the Divisional Railway Manager, Moradabad i.e. respondent no.1 and ensure that the payment if authorised by Moradabad, is paid to the applicant through Laskar Post Office within the shortest period not exceeding 2 weeks. However, on receipt of communication from the department if it is found that the claim of the applicant is already pending in his office, he shall get the claim traced out and issue necessary direction for payment to the applicant without any delay.

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11. In view of the above, the O.A. is disposed of at the admission stage itself with no order as to costs.



Member (A)

/M.M./