

Petition for Retirement Benefits

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 8/1992

~~TA. No.~~

DATE OF DECISION 14.5.1992

General Workmen's Union on Behalf **Petitioner**

of Rly. Workman Bai Savitaben WD/o
Chandulal Bhoi

Mr. Y.V. Shah

Advocate for the Petitioner(s)

Versus

The Union of India & Ors. **Respondent**

Mr. N.S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

General Workmen's Union,
Behalf of Rly. Workmen Bai,
Savitaben WD/0 Chandulal Bhoi,

.. Applicant.

Vs.

1. Union of India,
Represented by,
The General Manager,
Western Railway,
Churchgate,
Bombay- 400 001.
2. The Divisional Railway Manager,
Western Railway,
Pratapnagar,
Vadodara- 390 004.
3. The Divisional Mechanical Engineer,
(L) Western Railway Yard,
Pratapnagar,
Vadodara. .. Respondents.

O R A I J U D G M E N T

O.A. No. 8 of 1992

Date: 14.5.1992.

Per: Hon'ble Mr. R.C. Bhatt : Member (J)

1. Mr. Y.V. Shah learned advocate for the applicant and Mr. N.S. Shevde learned advocate for the respondents are present.
2. This application under Section 19 of the Administrative Tribunals Act, 1985 is filed by the General Workmen's Union on behalf of one Bai Savitaben widow of Chandulal Bhoi praying that the amount totaling Rs. 24.624/- being accrued compound interest at 10 percent per annum from the due date six years back till the date of this application be directed to be paid

to the applicant and the respondents be directed to pay the same with further interest at 10 percent per annum on the same sum till recovery.

3. The case of the applicant is that her husband deceased workman Chandulal Chhotalal Bhoi, serving as Shunter (Loco), Western Railway, Kankaria, (Ahmedabad) was medically incapacitated and therefore he submitted that application for voluntary retirement on 17th November, 1983 for retiring him voluntarily. It is alleged that the respondents did not communicate the reply of it till dated 31st July, 1989. The respondents No. 3 vide Annexure A/9 communicated to the deceased the reply that the resignation was already accepted retrospectively w.e.f. 17th Feb. 1984 vide office order dated 23rd September, 1988. It is alleged that therefore 17th Feb. 1984 is the relevant date on which payment of retirement benefits were due and same had to be paid according to law, within three months from that date but it was paid as late as dated 28th November, 1990 vide Annexure A/3, after the death of the deceased on 23rd November, 1990. It is alleged that the applicant had made representation Annexure A/2 dated 25th Jan. to the respondents to which no reply was given. It is alleged that the order dated 23rd Sept. 1988, Annexure A/4 shows in clear terms that the voluntary retirement of the applicant was accepted with retrospective effect from 17th

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Feb. 1984. The applicant, therefore claims the interest for the delayed payment of retirement benefits.

4. The respondents have filed reply contending that they were not bound to reply each letter of employee as respondents had already sent the reply to the earlier communication. The respondents have contended that the applicant's husband remained absent without authority from 19th Jan. 1983 to 17th April, 1983 at Ratlam and resumed duty on 18th April, 1983. It is also contended that the applicant's husband was served with a charge- sheet for major penalty. It is contended that in mean while the husband of the applicant was sent on medical examination on 19th April, 1983 but he was declared medically unfit for the original post of shunter and he was medically decategorised from the said post and hence the respondents were required to consider his case for alternative employment. It is contended that until the applicant's husband was screened, he was required to be granted leave and he was granted leave from 20th April, 1983. It is contended that he was offered alternative join the post of fitter and he had showed his willingness to accept the duty at Godhra but he did not report at Godhra. It is contended that he remained absent unauthorisedly and at that time the major DAR case against him was under process and, therefore, the respondents could not consider his request of voluntary retirement and ultimately office

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order was passed on 23rd September, 1988 and the amount was paid after necessary formalities were completed. The respondents contended that the applicant is not entitled to any interest amount.

5. Learned advocate for the respondents submitted that the respondents are prepared to consider this O.A. as representation of the applicant and would decide the same within reasonable time. Learned advocate for the applicant submitted that the respondents may be directed to decide this O.A. as representation within three months from today. He also submitted that the respondents should take into consideration the decision in case of *Jivan Krishna Vs. Union of India and Ors.* reported in (1989) ATC, page No. 230. After hearing learned advocates, the following order is passed.

O R D E R

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The respondents are directed to treat this O.A. as representation of the applicant and to dispose of the same according to rules within three months from receipt of this ORDER. The Office of this Tribunal to forward the copy of this JUDGMENT within 10 days to respondent No. 2 to enable them to dispose of the representation within stipulated period of three months. Learned advocate Mr. Shevde for the respondents also should try to get the copy of this JUDGMENT within 10 days and should forward it to the respondent No. 2 to take necessary steps to enable him

for disposal of the representation. Having regard to the facts of this case, it is hoped that the respondent No. 2 will dispose of the representation within the stipulated time. Application is disposed of. No order as to costs.

Renu
(R.C. Bhatt)
Member (J)

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