

9

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.174 of 1990.

Date of decision : July 28, 1992.

Bhikari Mohanty ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s.J.N.Jethi,
R.V.Ramana, Advocates.

For the respondents ...

M/s.B.Pal,
O.N.Ghosh, Advocates.

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

...

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? **NO**
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

...

J U D G M E N T

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985; the applicant prays to direct the respondents to pay to the applicant the retiral benefits which have not been paid to him as yet including the Group Insurance amount etc.

2. Shortly stated, the case of the applicant is that he retired as a Gateman from Ranaghat Railway Station which is within the Eastern Railways. Though the applicant retired with effect from 8.3.1992 he has been paid only the provisional pension and other retiral benefits such as Gratuity, G.P.F. amount etc. have not been paid to the applicant as yet for which this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that though the applicant retired on 8.3.1982 he should have actually retired on superannuation with effect from 1.9.1981. By mistake, the applicant was allowed to continue till 8.3.1992. The mistake having been detected later, the applicant was asked to retire 8.3.1982. The period between 1.9.1981 and 8.3.1982 has been sought to be regularised in favour of the applicant and necessary recommendation has been made to the Railway Board to obtain sanction from the President. The matter is still under process and it is expected that the matter would be finalised very soon after which final pension, gratuity etc. would be paid to the applicant. It is further

maintained by the respondents that the applicant is not ^{entitled} to any amount under the Group Insurance scheme as the scheme was introduced after the retirement of the applicant and necessarily he had made no contribution for the Group Insurance scheme and therefore, he is not entitled to any amount. As regards non-payment of leave salary due, it is further stated in the counter that Rs.2821.28 paise has already been passed and it would be shortly paid. It is also maintained by the respondents in their counter that this Bench has no jurisdiction to adjudicate the matter because the applicant had retired while he was in service under the Eastern Railway and therefore, the application should be in limine dismissed.

4. I have heard Mr.J.N.Jethi, learned counsel for the applicant and Mr.B.Pal, learned Senior Standing Counsel(Railways) for the respondents. Mr.Pal took up a preliminary objection on the question of jurisdiction and submitted that since the applicant has retired from his service while he was rendering his service under the Eastern Railway, this Bench has no jurisdiction to adjudicate the matter. I am unable to accept this contention of Mr.Pal because according to proviso (2) to Rule 6 of the Central Administrative Tribunal(Procedure) Rules, 1987, a person aggrieved can file an application under section 19 of the Administrative Tribunal's Act, if he resides within the jurisdiction of a particular Bench. The applicant was residing within the jurisdiction of this Bench when he filed this application and therefore, the

12

aforesaid contention of Mr. Pal is not accepted.

5. Since the regularisation of service of the applicant from 1.9.1981 to 8.3.1982 has been sought for by making recommendations to the Railway Board for which sanction of the President is expected, I think the applicant should be well advised to wait for some time and I further hope and trust this matter will reach its final stage regarding the payment of retiral benefits of the applicant approximately within 90 days from the date of receipt of a copy of this judgment. Keeping in view the fact that the applicant has retired long since and he should be given his retiral benefits namely gratuity, pension etc. I hope the concerned authority will take a sympathetic view in the matter especially because the applicant has retired from Class IV service in the year 1982 though his normal retirement should have been from September, 1981. By now the applicant must have been aged 68 years (approximately) and therefore, I personally feel that he should reap the retiral benefits accruing in his favour as soon as possible.

6. As regards payment of the leave salary, it is stated in the counter that Rs. 2821.28 paise has already been passed. In case, the amount has not been paid as yet, it should be paid to the applicant within 30 days from the date of receipt of a copy of this judgment.

7. So far as the prayer of the applicant regarding commutation value of the pension etc. is concerned, after the pension is finally settled the appropriate authority will certainly take necessary steps after

for

application is filed by the applicant. It was submitted before me by Mr. Jethi that in the mean while the applicant has received the amount due relating to the G.P.F.

8. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.


28/7/92
.....
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack,
July 28, 1992/Saranghi.

