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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 600 of 1993

Date of Decision: 6.4.1994

Heramba Kumar Chatterjee

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


MEMBER (ADMINISTRATIVE)

06 APR 94

 6.4.94
VICE-CHAIRMAN

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Respondents

For the applicant

M/s. S.K. Dash
B.N. Mohapatra
B. Mohapatra
S.K. Mishra,
Advocates

For the respondents

Mr. B. Pal,
Sr. Standing Counsel
(Rly. Administration)

C O R A M:

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

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR. K.P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the opposite parties to finalise the pension, gratuity and other retiral benefits due to him and make payment of arrear dues within a stipulated period along with interest @ 12 per cent per annum.

2. The petitioner was a railway employee and had put forth his grievance regarding his promotion with retrospective effect which formed subject matter of Original Application No. 244 of 1990. This application was allowed and before the judgment was passed, the petitioner had applied for voluntary retirement which was ultimately allowed by the railway authorities with

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effect from 1.7.1992. The directions contained in the judgment regarding promotional benefits of the petitioner have been complied with by the Railway Administration, and the petitioner has no grievance on this issue. The only grievance is confined to non-payment of the retiral benefits including the pensionary benefits.

3. In the counter filed by the opposite parties there is no dispute presented on behalf of the opposite parties denying payment of retiral benefits. In the counter it is stated that Rs.1,35,571.00 has already been paid to the petitioner towards arrear emoluments and Rs.36,392/- and Rs.3,624/- have also been paid to the petitioner towards his leave salary encashment and Group Insurance Scheme, respectively. In the counter it is also maintained that the petitioner had been asked to nominate any other bank through which pensionary benefits would be paid. Mr.S.K.Dash, learned counsel appearing for the petitioner submitted that the competent authority has been informed vide letter dated 16.2.1994 that the petitioner has opened an account in the State Bank of India, Tulsipur, Cuttack, and payment be made through the said bank.

4. We have heard Mr.S.K.Dash, learned counsel for the petitioner and Mr.B.Pal, learned Senior Standing Counsel for the Railway Administration. Mr.Pal very fairly submitted that the Railway Administration will take all speedy and effective steps to clear the retiral benefits of the petitioner through the State Bank of India, Tulsipur, Cuttack within a very short time. Therefore, it

is directed that the retiral benefits of the petitioner be calculated and paid to him by May, 20, 1994. So far as claim for grant of interest is concerned, we do not propose to pass any orders now. In case the retiral benefits of the petitioner are not paid within the stipulated period stated above, the Bench will consider imposition of interest.

5. Thus the application is accordingly disposed of leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)

06 APR 94


VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 6.4.1994/ B.K. Sahoo