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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 124 OF 1998
Cuttack this the 5th day of March, 1999

(PRONOUNCED IN THE OPEN COURT)

Krushna Mohan Acharya

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 Tribunal or not ? *No*

U
(G.NARASIMHAM)
MEMBER (JUDICIAL)

S. Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
S.3.99

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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.124 OF 1998
Cuttack this the 5th day of March, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

...

Sri Krushna Mohan Acharya, alias
Sri Krishna, aged about 52 years,
Son of Late Kanduri Mohan Acharya,
At: Basantpur,
Post: Genguti, Via: Kuruda
Dist: Balasore

...

Applicant

By the Advocates : M/s.S.K.Patri,
P.Jena
A.K.Mohanty

-Versus-

1. Union of India through
Divisional Railway Manager,
South Eastern Railway, Khurda Road,
At/Po: Jatani, Dist: Khurda
2. Senior D.E.N. (Coordination)
S.E.Rly., Khurda Road,
at/Po: Jatni, Dist: Khurda
3. Senior Divisional Personal Officer
S.E.Rly., Khurda Road,
At/Po: Jatni, Dist:Khurda, Orissa
4. The General Manager,
S.E.(Rly.), Garden Reach,
Calcutta-43

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Respondents

S.Som By the Advocates : Mr.R.C.Rath,
Addl.Standing Counsel
(Railway)

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for release of pensionary benefits and other retirement benefits and also for financial assistance for medical treatment for his heart disease. The third prayer is for giving a Class III job to his son who is eligible for it having obtained B.A. degree and attained the age of 24.

It is submitted by the learned counsel for the petitioner that in this application he does not want to press the third prayer because in that respect he has already filed a separate Original Application bearing O.A. No.339/98 which is pending adjudication before this Tribunal and in the present Original Application his prayers are confined to first two prayers, viz., payment of pension and other retirement benefits and financial assistance for medical treatment etc.

2. The case of the petitioner is that while working as Gangman in Engineering Section under Junior Engineer, S.E.Railway, Bhadrak, he was declared medically invalid by the Medical Superintendent(I/c.), Khurda Road, who has issued Certificate about him vide Annexure-1. This was accepted by the departmental authorities and the petitioner retired on invalidation which effect from 22.2.1997. But his pension has not yet been paid; that ~~is~~ is how he has come up with this application with prayers referred to above.

3. Respondents in their counter have stated that after retirement on invalidation of the applicant he has been paid Provident Fund and C.G.E.I.S. amounts. As regards payment of pension, it is submitted that pension papers have since been processed and sent to Finance Branch on 18.1.1999 and pension will be shortly paid to the applicant.

4. We have heard Shri S.K.Patri, learned counsel for the petitioner and Shri R.C.Rath, learned Addl. Standing Counsel appearing for the respondents and have also perused the records.

5. In this case the applicant retired on medical invalidation on 22.2.1997 and the respondents have taken long time till 18.1.1999 to process his case, yet he has not been paid his pension. It is submitted by the learned Addl. Standing Counsel that this is not a case of retirement on superannuation. In case of superannuation pension papers are to be processed two years prior to the date of retirement on superannuation and that is how in this case so much time has to be taken. As the petitioner has retired on the ground of medical invalidation, the respondents should have taken early steps to clear his pension papers. But now that the pension papers have been processed and sent for sanction, the respondents should sanction and make payment of pension including his arrear pension within a period of 30 days from the date of receipt of this order. In case payment is not made within the period as stipulated above, the arrear pension will bear interest at the rate of 12% per annum from expiry of that period till the actual date of payment of arrears.

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With the above direction prayer with regard to payment of pension is disposed of.

6. The applicant has also asked for financial assistance for medical treatment during the period while he was in service. In case this is admissible and applicant is entitled to reimbursement strictly in accordance with rules, it is directed that the applicant shall file necessary documents to the respondents for reimbursement which may be disposed of by the respondents strictly in accordance with rules within a period of 90 days from the date of receipt of such claim. We make it clear that we express no opinion about the admissibility of the claims of the applicant.

As regards the medical treatment after retirement, we hope, the applicant will be entitled to treatment at the Railway Hospital. If the rules so permit, this facility may be extended to the applicant.

7. With the above directions the application is disposed of, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

5-3-99