

10.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

original Application No. 09 of 1998.
Cuttack, this the 10th day of August, 2000.

B.D. Sumertha.

....

APPLICANT.

- Vrs. -

UNION OF INDIA & ORS.

....

RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? *Yes*
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

(Signature)
(SEMNAATH SOM)
VICE-CHAIRMAN

10.2.2000

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

original Application No. 9 of 1993.
Cuttack, this the 10th day of August, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

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B.D. Sumertha, S/o. Late Ghasia Basu,
Ist. F.M.A., South Eastern Railways,
Bilaspur Division, (Voluntarily Retd.
since 31.12.1985) At present Purnabasti,
Near Bhagawati Temple, At/Po/Dist: Jharsuguda. ... APPLICANT.

By legal practitioner; M/s. G.B. Jena, Smt. Sujata Jena, Advocates.

-Vrs.-

1. Union of India represented by the
General Manager, South Eastern Railways,
Garden Reach, Calcutta.
2. Senior Divisional Personnel Officer,
South Eastern Railways, Bilaspur Division,
Bilaspur (Madhya Pradesh). ... RESPONDENTS.

By legal practitioner; Mr. D.N. Mishra, Standing Counsel (Rlys.).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

S. Som.
In this original Application u/s. 19 of the AT Act, 1985,
the applicant has prayed for a direction to the Respondents to
give him the arrear pension from 1985 to 1995, Provident Fund dues
Complimentary Pass, Transport charges and Packing allowance as well
as the individual calculation sheet and panel interest at the rate
of 18%.

2. Applicant's case is that he has been working as Ist
Fireman in Bilaspur Division since 13-5-1961. He applied for
voluntary retirement from service on 10.9.85 and he was accordingly
retired from service on 10.12.1985. Applicant had approached the
Tribunal earlier in OA No. 283 of 1990. He has made various
averments with regard to OA No. 283 of 1990 but it is not necessary

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to refer to these averments except to note that this O.A. was disposed of in order dated 22.11.1993 at Annexure-1. Applicant has stated that even though the Tribunal in their above order has directed for payment of pensionary benefits. These were not paid to him. He has enclosed a letter dated 24.5.1996 (Annx. 2) in which he has mentioned that he has received pension, commuted value of pension and DCRG one year back but he has not received Provident fund, Transport and Package allowance, complimentary pass, individual payment calculation sheet and interest on the delayed amounts. In this petition he has come up for payment of above items.

3. Respondents have filed counter opposing the prayers of the applicant. It is not necessary to refer to the averments made by the Respondents in their counter as these will be referred to while considering the prayers of the applicant with regard to payment of the dues which are discussed below.

4. As regards arrear pension, Respondents have mentioned in para-12 of the counter that arrear pension had already been paid to the applicant in 1995 and this has also been communicated to the applicant vide orders which are enclosed at Annexures-R/2 and R/3. Applicant has not denied this averment by filing any rejoinder. In view of this, it must be held that arrears of pension have been paid to the applicant and nothing remains to be paid on this claim.

5. Applicant has asked for detailed calculation sheet. We find from the counter that as an enclosure to Annexure-R/2 a detailed calculation sheet is there and this has also been given to the applicant along with counter if not earlier. In view of the above, this prayer has become infructuous.

6. The next prayer of the applicant is with regard to

Transport and Packing changes. Respondents have pointed out that Transport charge and Packing allowance is payable on the applicant actually shifting his personal effects to his place of residence after retirement which has to be 20 KMs away from his place of work and bills must be submitted within three months of retirement or/of vacating his quarters whichever is later. Applicant has made no averment that he has asked for transport charge and packing allowance within this period alongwith necessary documentation. He has retired more than 15 years ago and at a distant date his claim on these two points can not be entertained and is accordingly rejected.

7. The next item is Complimentary pass. Respondents have mentioned in para 10 of the counter, at page-3 that Complimentary Passes are issued to the Railway employees on their request in prescribed format and validity of currency of this passes are for every calendar year. The Respondents have stated that after lapse of so many years, applicant can not claim that he is entitled to same facility. As a retired employee, applicant might be entitled to avail the railway passes & if he is entitled to the same as per rules then for future years, he can claim railway passes from the Respondents and the Respondents are directed to consider ^{issuing of} ~~for~~ such passes strictly in accordance with rules. This prayer is accordingly disposed of.

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8. Last prayer is regarding payment of Provident fund dues. In his representation at Annexure-2 applicant has mentioned that he has not received his provident fund dues. Respondents in para-11 of the counter has denied that such a representation has been received by them. But it is strange to note that inspite of the averments of the applicant that he has not received the Provident fund dues, Respondents in their counter

have made no averment with regard to Provident Fund dues. In view of this, this prayer is disposed of with a direction to the Respondents that in case the Provident Fund dues of the applicant have not been paid to the applicant so far, then the same should be paid within a period of 60 (sixty) days from the date of receipt of a copy of this order and in case payment is made within this period of sixty days then interest at the rate of 12% will be payable by the Respondents to the applicant on the Provident Fund amount lying in his balance which should have been paid to the applicant immediately after his voluntary retirement in 1985.

9. In the result, with the observations and directions made above, the Original Application is disposed of. No costs.


(SOMNATH SOM)
VICE-CHAIRMAN 08.2000

KNM/CM.