

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 646 OF 1999
Cuttack, this the 18th day of May, 2000

Shri Radha Charan Sarangi ... Applicant

Vrs.

Union of India and others 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*

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(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
18/5/2000

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 646 OF 1999
Cuttack, this the 18th day of May, 2000

CORAM:

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

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Shri Radha Charan Sarangi, aged about 81 years, village & P.O-Nuasasan, Via-Pipili, Puri, retired as HS/Cell Fitter Gr.II, Eastern Railway Workshop, Liluah ...Applicant

Advocate for applicant - Mr.D.P.Dhalsamant

Vrs.

1. Union of India, represented through its GeneralManager, Eastern Railway, Sialda, Calcutta, West Bengal.
2. The Railway Board, represented through the Member-Secretary, Railway Bhawan, New Delhi.
3. Workshop PersonnelOfficer, Eastern Railway, Liluah, Calcutta, West Bengal.

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Respondents

Advocate for respondents - Mr.R.Ch.Rath

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this Application the petitioner has prayed for a direction to the respondents to pay the petitioner all his retirement dues, such as GPF, Leave Salary, gratuity and pension with 18% interest.

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2. Before going into the facts of the case it is to be noted that the respondents in their counter while opposing the prayer of the applicant, have mentioned that after superannuation of the applicant on 31.8.1977, provident fund amounts along with bonus were paid to the applicant. The respondents have provided the details of the amounts paid and the cheque numbers. This has not been contested by the learned counsel for the petitioner and therefore it is not necessary to go into this aspect. For

the purpose of considering this petition it is not necessary to go into too many facts of this case.

3. We have heard Shri D.P.Dhalsamant, the learned counsel for the petitioner and Shri R.Ch.Rath, the learned panel counsel for the respondents and have also perused the records.

4. From the pleadings of the parties it appears that the petitioner retired on 31.8.1977 and he was a subscriber to Contributory Provident Fund and as such he is not entitled to pension. The learned counsel for the petitioner conceded this point but urged that the respondents themselves have admitted in page 3 of their counter that the surviving CPF beneficiaries who retired during the period from 1.4.1957 to 31.12.1985 have been sanctioned with ex-gratia payment of Rs.600/- per month with 5% DA thereon with effect from 1.11.1997 subject to fulfilment of certain conditions. He has stated that this amount has not been paid to the applicant. In view of this, we direct the departmental authorities to consider the case of the applicant for grant of ex-gratia payment in terms of the above instructions at the rates due within a period of 120 (one hundred twenty) days from the date of receipt of copy of this order. From the pleadings of the parties it appears that the applicant is an old man aged 81 years. It is therefore not possible for him to run around and complete the necessary documentation for the above claim. In consideration of this, the respondents are directed to depute a Welfare Inspector to the applicant's address as given in the O.A. and get the necessary documentation done by him and make payment to him strictly in accordance with the circular within the period indicated as above.

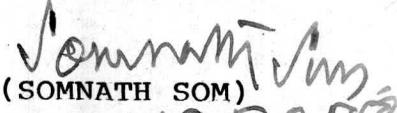
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5. The second prayer is for payment of cash equivalent of the leave salary. this prayer has not been pressed by the learned counsel for the petitioner. But in any case it is to be noted that system of encashment of leave salary by retiring Railway employees was introduced in the Railways only from 30.9.1977 and the applicant superannuated before that date. In view of this, the claim of the applicant for leave salary is held to be without any merit.

6. In the result, therefore, the Original Application is disposed of in terms of the above observation and direction above. No costs.


(G.NARASIMHAM)

MEMBER(JUDICIAL)


(SOMNATH SOM)
18.5.2000
VICE-CHAIRMAN