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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK

ORIGINAL APPLICATION NO.857 OF 2006

Cuttack this the 30th day of October, 2007

Hadibandhu Behera

Applicant

Vrs.

Union of India and others

Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters or not ? *NO* .
- 2) Whether it be sent to the Principal Bench of the Central Administrative Tribunal or not ? *NO* .


(N.D.RAGHAVAN)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.857 OF 2006

Cuttack this the 3rd day of October, 2007

CORAM:

THE HON'BLE SHRI N.D.RAGHAVAN, VICE-CHAIRMAN

Hadibandhu Behera, aged about 61 years, Son of Bouri Bandhu Behera, Retd.P.C.R.Khalasi under C.S.T.E./Con/E.Co.Rly/Rail-Vihar/Chandrasekharpur/Bhubaneswar, permanent resident of village/P.O.Byree, P.S.Badachana, District-Jajpur

...Applicant

By the Advocates :M/s.N.R.Routray
S.Misra

-VERSUS-

1. Union of India represented through the General Manager, East Coast Railways, Chandrasekharpur, Rail Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
2. Senior Personnel Officer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
3. Chief Administrative Officer, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
4. P.A. 7 C.A.O. (Con.), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
5. Dy.C.S.T.E.(Con.I), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
6. Senior Divisional Financial Manager, East Coast Railway, Khurda Road Division, At/PO-Jatni, District-Khurda

...Respondents

By the Advocates: Mr.O.N.Ghosh

...
O R D E R

MR.N.D.RATHAVAN, VICE-CHAIRMAN:

The applicant , while working as P.C.R. Khalasi under the Railways, retired on superannuation with effect from 28.2.2006. He having not been



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~~- retiral due~~ - ~~Railways due~~
paid his ~~retiral~~ dues approached the ~~Respondent~~ Respondents in person time
and again for release of the same in his favour which did not yield any
fruitful result. Therefore, he submitted a representation dated 18.4.2006
before Respondent No.5 vide Annexure-A/3 in that behalf. The applicant has
pleaded bona fides, so far as the formalities to be complied with by him in
~~- retiral due~~
the matter of receipt of ~~retiral~~ dues are concerned, but in spite of all this, he
has not been paid any amount. In the circumstances, he has prayed for the
following relief:

“Direct the respondents to release the pensionary benefits such
as pension, commutation of pension, D.C.R.G., C.G.E.G.I.S.
and provident fund with 12% interest”.

2. The Respondent-Railways in their counter have submitted that in
pursuance of interim direction issued by this Tribunal on 5.2.2007, an
amount of Rs.24,513/- has already been sanctioned and the Account Payee ~~due~~
Cheque is in the process to be issued to the applicant. It has been submitted
that after the retirement of the applicant with effect from 28.2.2006, he had
not executed the required documents nor had he submitted the legal heir
certificate, passport size photographs and thus he has not fully complied
with the formalities for processing the settlement case. In spite of his having
been reminded for completing all those formalities, he never turned up and
therefore, the delay is attributable to the applicant. The Respondents have
submitted that the applicant submitted the court affidavit and joint
photographs, bank account number . on 9.3.2007, but did not turn up for
completing further formalities. It has been further stated by the Respondent-

[Signature]

Railways that the applicant has already been paid an amount of Rs.6371/- towards last wages on 1.3.2006, leave salary of 51 days amounting to Rs.10,434/- during Nov., 2006, C.G.E.G.I.S. amounting to Rs.650/- , besides provident fund dues amounting to Rs.24,513/- on 27.2.2007 as noted above, in pursuance of the interim direction issued by this Tribunal. They have also submitted that for release of other dues, the matter would be processed immediately after execution of the requisite papers/documents and on furnishing the affidavit, passport size photographs and bank account details. Lastly, it has been submitted that in the absence of above mentioned documents which are required to be executed and filed before the competent authority, it is not possible on the part of the Railway administration to process the matter for releasing the post-retiral dues. With these submissions, it has been submitted by the Respondent-Railways that the O.A. filed by the applicant being premature is liable to be rejected.

3. Applicant has filed rejoinder stating that the letter dated 25.4.2006 enclosed to the letter dated 27.2.2007 is a forged one since it was never issued to the applicant and in this regard, he has expressed his exclamation. Stating that the delay is attributable to the Respondent-Railways, the applicant has claimed interest at the rate of 12% on pensionary benefits, viz., D.C.R.G., commutation and P.F. etc.

4. I have heard Shri N.R.Routray, learned counsel for the applicant and Shri O.N.Ghosh, learned Counsel appearing on behalf of the Railways and perused the pleadings of the parties. *hd*

5. From the above, the entitlement of pension and pensionary benefits payable to the applicant is not in dispute. Admittedly, the applicant has retired on superannuation from Railway service with effect from 28.2.2006. It is also not in dispute that the applicant had preferred representation dated 18.4.2006 (Annexure-A/3) drawing indulgence of the Railway authorities for settlement of postal retiral dues as early as possible since he had submitted all necessary papers before his retirement. Therefore, the allegation made by the Respondent-Railways that the applicant has not been cooperating is ~~-unbelievable. *aa.*~~ ~~absurd and not at all believable.~~ The counter filed by the Respondents does not throw any light with regard to action that is necessary to be taken by the authorities in the case of settlement of post retiral dues of an employee. The averments made at Page – 3 of the counter (inserted in the ink) run counter to what has been averred in sub-para 5. This itself exhibits as to how the Respondents are sincere and curious enough to settle the retiral dues of the ~~deliberately~~ *it appears, -* applicant. This is a clear case where, ~~deliberately~~ the applicant has been subjected to victimization and compelled to approach the Court of Law for no fault of his. The Respondents, in order to wriggle out of their liability, ~~seems to~~ *aa.* have hidden more than what they have submitted. They have not taken any positive stand with regard to non-submission of the required documents by the applicant which he had submitted before his retirement, as set out in his representation dated 18.4.2006 except making a bald assertion that the documents alleged to have been filed by the applicant were not traceable. The very intention of the Respondent-Railways is fortified by their own

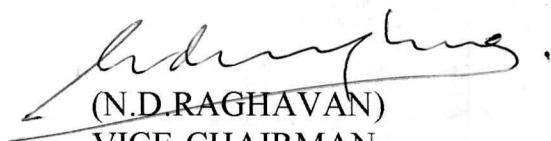


action in making payment of D.C.R.G. amount of Rs.24,513/- on 27.2.2007

to the applicant in pursuance of the interim direction of the Tribunal, besides paying him Rs.10,434/- during November, 2006 towards leave salary for 51 days and C.G.E.G.I.S. amounting to Rs.650/- by calling in question that if at all no documentation was complete by the applicant, how those amounts could be paid to the applicant. Therefore, there is no iota of doubt that the Respondents have ~~deliberately~~ ^{- unfortunately ever} delayed in settling the post retiral dues of the applicant ^{- indeed ever} ~~in a camouflage manner~~.

6. Having regard to what has been discussed above, the Respondents are directed to draw and disburse the rest of the post retiral dues, other than what has already been paid to the applicant including the arrears of pension, within a period of ~~period~~ ^{of} one month from the date of receipt of this order. In the circumstances, the applicant is also entitled to interest at the rate of 12% on each of the dues already paid and/or payable to him on completion of three months of the date of his retirement on superannuation, i.e., 19.5.1006 till the date of actual payment.

6. In the result, the O.A. is allowed with no order as to costs.


(N.D. RAGHAVAN)
VICE-CHAIRMAN

PPS

fix for pronouncement on
03.10.07 at PM
