

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.694 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

PRAKASH CHANDRA MONDAL

... Applicant
Vs.

1. The General Manager, S.E.Railway,
Garden Reach, Calcutta - 43.
2. The Chief Personnel Officer,
S.E.Railway, Garden Reach, Calcutta-43.
3. The Chief Commercial Manager,
S.E.Railway, 14, Strand Road,
Calcutta-1.

... Respondents.

For the applicant : Mr. B.C. Sinha, counsel.

For the respondents: Mr. K. Sarkar, counsel.

Heard on : 27.7.1999

Order on : 27.7.1999

ORDER

Heard Mr. B.C. Sinha, 1d. counsel appearing for the applicant and Mr. K. Sarkar, 1d. counsel appearing for the respondents.

2. In this O.A., the applicant has prayed for a direction upon the respondent authorities to release all pensionary benefits, including DCRG, leave salary, commutation of pension, the arrears of salary arising out of fixation of pay w.e.f. 1.1.1986.

3. The admitted fact is that the applicant retired on superannuation w.e.f. 30.9.1995. Since then till the filing

of this O.A. on 10.6.1996, the respondent-authorities have not fixed his pension and released all pensionary benefits including DCRG, etc.

4. After the filing of this application, an earlier Bench of this Tribunal passed an interim order dated 12.9.1996 whereby the respondent-authorities were directed to pay to the applicant provisional pension under the rules for the period from the date he retired till the date of the interim order i.e. 12.9.1996. Admittedly, the applicant, on the basis of the said interim order, has received provisional pension as well as a part of the DCRG, commutation value of pension, leave salary, etc.

5. In the reply, the respondent-authorities have not challenged the claim of the applicant to his right to get pension and the retiral benefits, but their case is that due to the missing of the service records and an order of punishment inflicted upon the applicant in course of a disciplinary proceeding some time in 1989, there was delay in the matter of finalising his case regarding retiral benefits. In paragraph 19 of the reply, the respondents have stated as follows :

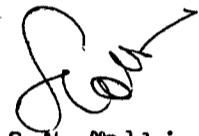
"..... the respondents state that his pay as stated in para 4.6 is now refixed at Rs. 2,600/- p.m. as per the 4th pay Commission with effect from 1.1.1986 in scale Rs. 2375-3500/- (RS) and he retired on a pay of Rs. 3200/-p.m. as per office order no. P/H-3/Com./E1/PCM/Refixation dt. 2.7.1997 enclosed as annexure '9' but at Rs. 3500/- p.m. as stated by the applicant. The difference of DCRG, pension, commutation due to refixation of pay as admissible as per extant rules, will be arranged for payment to him."

6. In view of this admission, I do not find any reason for the delay in passing the appropriate orders on the part of the respondent-authorities in releasing the balance amount of DCRG, commutation of pension, leave salary, etc.,

together with arrears of pay to which he may be entitled after such refixation.

7. In view of the foregoing, the instant O.A. is allowed with a direction upon the respondent-authorities to fix and pay pension to the applicant and release him the arrears of pension less the provisional pension already paid to him, the balance amount of unpaid DCRG, commutation value of pension, leave salary, arrears of salary to which he may be found entitled as per extant rules with 10% interest from the date the same were due to him till the actual date of payment, within three months from the date of communication of this order.

8. No order is made as to costs.



(S.N. Mallik)
Vice-Chairman

R. S.