

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. No.710/96

Present : Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purkayastha, Judicial Member

Shri Raj Rajeswar Ghosh, son of Late Narayan
Chandra Ghosh, residing at 75/29, Baisnabpara
Lane, Khurut, Howrah-711 101.

...Applicant

-Vs-

1. Union of India, service through the
Secretary, Ministry of Railway, New Delhi.
2. The General Manager, Eastern Railway
Head Office at Fairlee Place, Cal-700001.
3. The Divisional Railway Manager, Howrah,
Eastern Railways, Howrah-711101.
4. The Divisional Superintendent, Howrah,
Eastern Railway, Howrah-711101.
5. The Chief Personnel Officer, Eastern
Railway, Fairlee Place, Calcutta-700001.

...Respondents

For applicant : Mr. G. Bhattacharya, Counsel.

For respondents : Mr. P.K. Arora, Counsel.

Heard on : 16.7.97

Order on : 16.7.97

O R D E R

B.C. Sarma, AM

The dispute raised in this application is about the correct calculation of the pension of the applicant. The applicant had retired prematurely from service w.e.f. 29.9.66. ~~The applicant was then moved to the Pension Adalat on the ground that his pension was not calculated correctly by his representation dt.30.8.94.~~ The pension Adalat, having looked into his case, has reduced his pension on the ground that the pension was wrongly calculated. The applicant has now come up before us with a prayer that an order be issued on the respondents to pay the applicant his due pension as per new



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rules introduced by the Govt. of India in the year 1987 modifying the old rules and to give effect to the new rules 1979 and to pay the applicant all arrears of pension from 1st April 1979, without any further delay.

2. The case has been opposed by the respondents by filing a reply. The respondents have given a detailed break-up in para 9(iii) of applicant's pension. The respondents have, therefore, prayed for the dismissal of the application on the ground that it is devoid of merit.

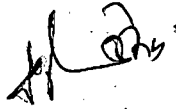
3. We have heard the Id. counsel for both the parties and perused contents of the application as well as reply. Ordinarily, on the point of delay, holding that the application is barred by limitation and we would have dismissed it in limine. But we are not inclined to do so since the applicant's pension has not ^{been} correctly calculated. We are of the view that the appropriate order to be passed in this case to give a suitable direction on the respondents in the matter.

4. In view of the above, we dispose of the application with a direction that the respondent No.3 i.e. the Divisional Railway Manager, Howrah, Eastern Railway shall form a group of officers, one from Administration and the other from Accounts section who did not deal with this case earlier to examine whether the pension has been correctly calculated or not. But before coming to a decision, they will give a hearing to the applicant and the decision of the group shall be conveyed by the respondent No.3 to the applicant within a period of one month from the date of taking of such decisions.

5. If as a result of such re-calculation the applicant is found to be entitled to receive enhanced pension, the arrears of such pension will be disbursed to him within a period of three months from the date of taking such decision. A speaking order shall be passed by the respondent No.3. We do not give liberty to approach



the Tribunal again as this issue has been going on since 1979 and therefore, the series of disputes raised by the applicant should be put to an end. No costs.



(D. Purkayastha)
Member (J)



(B.C. Sarma)
Member (A)

a.k.c.