

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

O.A. 736 of 1996.

Present : Hon'ble Dr. B. C. Sarma, Member (A)

SHRI ATUL DINDA ... Applicant.

Vs.

1. Union of India, through the General Manager, S.E.Railway, Garden Reach, Calcutta-43.

2. The Chief Project Manager, S.E. Railway, Garden Reach, Calcutta-43.

3. The Chief Personnel Officer, S.E.Rly., Garden Reach, Calcutta-43

4. The Sr. Project Manager, S.E. Railway, Kharagpur.

5. The District Project Manager, S.E.Railway, Kharagpur.

... Respondents.

For applicant : Mr.A.Chakraborty, Counsel.

For respondents: Ms. B. Ray, Counsel.

Heard on: 21.2.97 :: Ordered on: 21.2.97.

O R D E R

The dispute raised in this application is about the payment of arrear dues to the applicant from 1.4.73, with effect from which date his services were regularized.

2. The material averments made by the applicant are as follows : He was initially engaged as a casual labour and, thereafter, with effect from 1.4.73, by an order dated 23.8.89, his services were regularized. The applicant is aggrieved by the fact that although regularization order was passed more than seven years ago, railway respondents have not yet fixed his pay in the appropriate scale and also have not paid the arrear dues from 1.4.73. The applicant contends that the matter is under examination of the respondents railway, as will be evident from various annexures appended to the application. Being aggrieved thereby, the instant application has been filed with the prayer that a direction be issued on the respondents to declare

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that he is entitled to get arrears of pay with effect from 1.4.73 in terms of Officer Order dated 23.8.89 and also for directing the respondents to release arrears of pay due to the applicant with effect from that date.

3. The application has been opposed by the respondents by filing a counter. The averments made by the respondents are that all settlement dues have been paid to the applicant except arrears of pay with effect from 1.4.73. The respondents are facing difficulties in tracing all the paid vouchers in Accounts Deptt. or from old record prior to 31.3.85 since such records were destroyed by the Finance Deptt. in terms of circular No.494/A/74 dated 12.6.78.

The respondents contend that sanction of the Railway Board is necessary for admitting the Bill in the absence of paid vouchers and records. They also contend that the office is making efforts to pass the arrears bill of the applicant, and a proposal was submitted to the competent authority with suggestion that provisional payment be arranged to the staff with the approval of the General Manager/CAO(P) subject to obtaining post facto sanction of the Railway Board. A copy of such proposal has been annexed to the reply as R1. Respondents further contend that they have taken all possible steps for payment of arrears to the applicant according to rules.

4. The matter has been examined by me carefully after hearing the learned counsel for both the parties and perusing records. I find that the railway respondents have taken some steps in the matter of clearance of the bill, but whatever steps they have taken have not yet ~~completed~~ ^{finalized} since arrear dues have not been paid. The applicant is a retired employee and his services were regularized by an order issued as early as in 1989. It is, therefore, desirable and necessary that his claim is settled as early as possible by making earnest attempt. Mr. Chakraborty, 1d. counsel for the applicant, invited my attention to an order passed on 18.6.92 by the Ministry of Railways addressed to the General Manager, S.E.Railway from which

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addressed to the General Manager, S.E.Railway from which it appears that in a case like this it will be necessary to waive the internal check of the arrear claim and also to dispense with the issuance of the certificate required in terms of the railway rules. If that be so, the respondents should do well to get these two conditions fulfilled as early as possible. I am, therefore, of the view that appropriate order to be passed in this case will be to give a suitable direction to the respondents in the matter.

5. In view of the above, the application is disposed of with the direction that the respondents shall dispose of the matter in the light of the relevant rules keeping in view the letter issued by the Ministry of Railways on 18.6.92, as appended to the annexure-C to the application, within a period of three months from the date of communication of this order. I further direct that respondents shall pay arrears to the applicant within a period of one month from the date of taking such decision. No order is passed as regards costs.



(B.C.Sarma)
MEMBER (A)