

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1281 of 96

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

Hon'ble Mr. B.P. Singh, Administrative Member

AS IT BARAN BANERJEE

VS

UNION OF INDIA & ORS.

For the applicant : Mr. D.K. Roy Choudhury, counsel

For the respondents: Mr. P.K. Arora, counsel

Heard on : 29.6.99

Order on : 29.6.99

O R D E R

S.N. Mallick, VC

Heard both the counsel. Reply filed today be kept on record. In this OA the petitioner has prayed for the following reliefs :

" The applicant prays for ascertainment of his outstanding salary, leave salary, gratuity, D.A. for January and February, 1991, increment due for January and February, 1991, commutation amount with interest against the said dues and free Railway passes for a superannuated employee from the respondents."

2. It must be noted that the reliefs are not specific. ~~However~~ The petitioner's grievance is that ~~although~~ he retired on superannuation w.e.f. 28.2.91. It is submitted by the 1st. counsel for the petitioner that the petitioner was an accused in Special Court Cases No. 4 of 1992 in the First Special Court, Alipore, 24-Parganas wherefrom the accused was discharged by an order dated 15.9.94 as per Annexure 'C'. He was also an accused in another Special Court Cases No. 5 of 1992 in the same Court wherefrom he was discharged by an order dated 15.9.94 as per Annexure 'D'. The petitioner thereafter prayed for disbursement and release of his retiral dues. His representations are dated 9.12.94, 30.3.95 and 23.8.95 as per Annexure 'E', 'F' & 'G'.

3. In the reply furnished by the respondent-authorities there is a reference to the aforesaid Special Court cases. It is alleged that those cases are still pending and the matter is sub-judice. But it appears that those Special Court Cases are dropped and the accused are discharged. It is also stated by the respondent-authorities that the disciplinary proceeding is pending against the petitioner on grounds different from those covered by the Special Court cases.

4. Be that as it may the fact stands that the petitioner's repeated representations have remain un-answered and at this stage we are of the view that the OA should be disposed of with a direction upon the respondent-authorities to consider the petitioner's representations as per Annexure 'E', 'F' & 'G' treating the instant application as a part thereof as per extant rules within a specified period.

5. Accordingly the OA is disposed of with a direction upon the respondent-authorities to consider the petitioner's aforesaid representations treating the instant application as a part thereof passing a speaking order according to the extant rules within 8 week from the date of communication of this order. The decision of the respondent-authorities shall be communicated to the petitioner within a week thereof. The OA therefore stand disposed of. No order as to costs.

Dr. Yeddu
MEMBER (A)

in


VICE-CHAIRMAN