

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

O.A. 1432 of 1996

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

Hon'ble Mr. D. Purkayastha, Member (J)

JAGABANDHU ROY

Vs.

1. Union of India, through the
General manager, Eastern Rly.,
Fairlie Place, Calcutta-1.
2. General Manager, Eastern Rly.
Fairlie Place, Calcutta-1.
3. Chief Engineer(Survey &
Construction), Eastern Rly.,
Koilaghat Street, Calcutta-1.
4. Deputy Chief Engineer(Con.)
Eastern Rly., Mughalsarai, UP.
... Respondents.

For applicant : Mr. Samir Ghosh, Counsel.

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

Heard on : 11.3.97 :: Ordered on : 11.3.97.

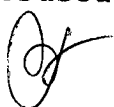
O R D E R

B. C. Sarma, AM.

The dispute raised in this application is about the non-disbursement of pensionary and other benefits to the applicant after his retirement. The applicant had retired from railway service on attaining the age of superannuation on 31.3.1992, but till the date of filing of this application no retirement benefit has been given to him.


2. Although direction was given by this Tribunal at the stage of admission hearing itself to file a reply, the respondents have not yet filed any reply. They have also not produced the relevant records. Mr. P.K.Arora, ld. counsel for the respondents, further submitted that he does not have any instruction in the matter.

3. We have heard the submissions of the learned counsel for both the parties, perused records and considered the facts



and circumstances of the case. It appears from the page 9 of the application (annexure-A) that stock sheets were lying outstanding finalisation against his unit while ^{the applicant} he was working as C.I.O.W., M.G.S. The exact purport of it is not clear to us, but if it is a commercial debit, we would like to observe that pension sanctioning authority must pass appropriate orders under the Pension Rules regarding realisation of any dues ^{that has} arisen out of any commercial debit. If such a thing had ^{done till today,} not been pending, we direct the authorities concerned to sanction pension without passing any such order. Moreover, there is no disciplinary proceeding pending against the applicant ^{there appears to be} nor some inquiry as a prelude to the disciplinary proceedings is pending. We would like to observe that the applicant has retired from service on 31.3.92 and the respondents cannot be permitted to initiate any disciplinary proceedings against the applicant after his retirement pertaining to any event which took place more than four years before the date of institution of the chargememo. Since no reply has been filed by the respondents, a positive finding in this case has not been passed, but we are of the view that instead of delaying the matter any further, an appropriate order to be passed in this case ^{will be to give a suitable direction in the matter.}

4. In view of the above, the application is disposed of at the stage of admission ^{being} stage itself, with the direction that the respondents shall treat the instant application ~~itself~~ as a fresh representation filed by the applicant and shall dispose it of within a period of four months from the date of communication of this order and the applicant shall be given all retirement benefits as per rules and in terms of the observations made hereinbefore. We pass no order as regards costs.


MEMBER (J)


MEMBER (A)