

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No. 166 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman  
Hon'ble Dr. B.C. Sarma, Administrative Member

Shri Nil Ratan Das, s/o Late K.K. Das,  
retired A.S.M., residing at 302, Sahid-  
nagar (Kalibari), Kanchrapara, P.O. Bijpur,  
District - 24-Parganas (North).

..... Applicant

-Vs-

1. Union of India, through the General Manager, S.E. Railway, Garden Reach, Calcutta ;
2. The General Manager, S.E. Rly., Garden Reach, Calcutta ;
3. The Sr. Divisional Commercial Manager, S.E. Railway, Bilaspur ;
4. The Divisional Railway Manager (Settlement), S.E. Railway, Bilaspur.

..... Respondents

For applicant : Mr. M.K. Bandopadhyay, counsel

For respondents : Mr. P. Chatterjee, counsel

Heard on : 20.3.1997 - Order on : 1.9.1997

O R D E R

A.K. Chatterjee, VC

The petitioner, who had retired as <sup>on 4.</sup> A.S.M. of South Eastern Railway on 31.8.92 has filed this application on 5.2.96 for a direction upon the respondents to release a sum of Rs.14,993/- which was withheld from the DCRG and also for a direction to pay shifting and packing allowances as may be payable under the rules. He has further prayed for a direction to fix his pension on the basis of enhanced basic pay of Rs.2675/- per month.

2. The respondents in their counter have stated that certain deductions were made from the DCRG on account of arrears of house rent for enhanced rate of railway quarters and arrears of electric charges respectively amounting to Rs.1379/- and Rs.1876/-. It was further stated that a sum of Rs.238/- was deducted on account of over-payment <sup>of</sup> for pay and allowances and a sum of Rs.6500/- has been withheld for commercial debits. Shifting and packing allowances as admissible to the petitioners under the rules were paid on 25.7.96 and revised pension and other dues have also been paid to the petitioner.

3. We have heard the ld. Counsel for the parties and perused the records. The ld. Counsel for the petitioner has not disputed that sums of Rs.1379/- and Rs.1876/- were liable to be deducted from DCRG on account of arrears of house rent for enhanced rate of railway quarters and on account of arrears of power charges. However, regarding deduction of a sum of Rs.238/- for supposed <sup>over</sup> payment of pay and allowances, the reply is altogether silent as to when such over-payment was made or the circumstance under which it was made. Therefore, we are disposed to the view that this amount of Rs.238 cannot be deducted from DCRG.

4. Regarding commercial debits of Rs.6500/-, it was submitted on behalf of the respondents that this matter has been taken up with the Commercial Department for authentication at the level of Addl. D.R.M., but it is still pending at that stage. The ld. Counsel for the petitioner has stated that no commercial debit could be raised against him as "no due" certificate was issued by the Station Superintendent on 5.12.94 to the Sr. D.C.M. In answer to this, the ld. Counsel for the respondents has stated that <sup>✓ the above certificate only shows that</sup> there was no debit against the petitioner as per station record and this is not enough

to establish that no commercial debit is outstanding against the petitioner. The Ld.Counsel for the respondents has also produced at the time of hearing a statement of "outstanding position" by the Station Superintendent indicating that an objected debit of Rs.6431/- against the petitioner was outstanding as a cheque sent along with C.R. by N.R. Das, but the Cash Office did not acknowledge due to non-receipt of the cheque. In these circumstances, the position seems to be that a sum of Rs.6500/- has been withheld on account of commercial debit and the matter has been taken up with the Commercial Department at the level of Additional D.R.M. as stated in the reply and a direction may be given to expedite the authentication.

5. It appears that certain payment on account of DCRG and also the admissible amount of shifting and packing allowances were released after the instant application was filed on 5.2.96. The petitioner had claimed interest for delayed release of these amounts to which hardly any satisfactory answer could be given by the respondents.

6. It also appears that pension on the basis of enhanced basic pay has been revised and payment has been made though after filing of the instant O.A. The petitioner has no longer any grievance in this regard as necessary revision has since been made as stated by his Learned Counsel.

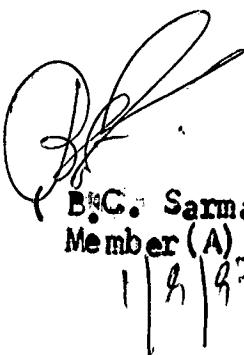
7. In view of the fact that certain dues of the petitioner were released only after filing of the instant application, we are of the view that it is only just and proper that some costs should be awarded to the petitioner.

8. For foregoing reasons, the O.A. is disposed of with the following orders.

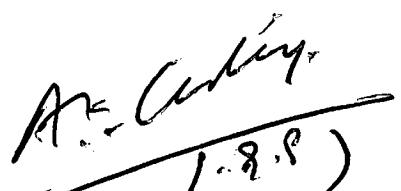
9. The respondents shall take up with the appropriate authority the matter regarding commercial debit said to be outstanding against the petitioner such that final decision in this regard may be taken and the amount, if any, found due to the petitioner be <sup>closed</sup> refunded to him within six weeks from the date of communication of this order.

10. The respondents shall also pay to the petitioner within the aforesaid period a sum of Rs.238/- together with interest <sup>at 12% p.a.</sup> on this amount and also the interest on the amount of DCRG, which has been released after the filing of the application, from the date of retirement till the date of payment @ 12% per annum.

11. The petitioner shall also be paid within the same period by the respondents a sum of Rs.300/- as costs of this proceeding.



( B.G. Sarma )  
Member (A)  
1/8/97



( A.K. Chatterjee )  
1.8.97  
Vice-Chairman