

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1203 of 1996 with MA 350 of 1999

Present :

Hon'ble Mr. L.R.K.Prasad, Member(A)

Hon'ble Mr. Rafiquddin, Member(J)

- N.C.Mondal,
R/o Naya Paras, Kharida (West),
P.O. Kharagpur,
Retired Depot Store Keeper, Gr.I
S.E.Rly. Kharagpur.

VS

1. Union of India through the
General Manager, S.E.Rly.
Garden Reach, Calcutta-43.
2. The FA & CAO
S.E.Rly. Garden Reach,
Calcutta
3. Dy. FA & CAO,
(Workshop), S.E.Rly.
Kharagpur.
4. The Controller of Stores,
S.E.Rly. Garden Reach
Calcutta
5. The Dy. Controller of Stores,
S.E.Rly. Kharagpur
6. The District Controller of Stores(ESD)
S.E.Rly. Kharagpur
7. The Asst. Controller of Stores(ESD),
Wing-I, Nimpura,
SE Rly. Kharagpur
8. Shri H.P.Das, Asst. Controller
of Stores (C&W), SE Rly. Kharagpur
9. Shri B.N.Sarkar, Asst. Controller
of Stores, (ESD), Nimpura,
SE Rly. Kharagpur.
10. Shri R.N.Biswas, Depot Store Keeper, Gr.II
(ESD), Wing-1, Nimpura.
1. Shri G.P.Singh Chingra,
Depot Store Keeper, Gr.II/ESD/Wing-1
Nimpura

For the applicant : P.K.Nag, Counsel

For the respondents : Mr. S.Chowdhury, Counsel

Heard on 11.7.2001 & 13.7.2001

Ordered on : 13.7.2001

O R D E R

L.R. K.Prasad, A. M.:

While the applicant was working as Depot Store Keeper, Gr.I under the S.E.Railway at Kharagpur, a disciplinary proceeding was started against him. Being aggrieved by the initiation of the said disciplinary proceeding, the applicant has filed this OA seeking the following reliefs :-

i) To pass an order directing the respondent No. 5 to set aside/quash the charge sheet being No. E/Staff/D&A/NCM/806/S dt. 28.2.95 (annexure-A8) which was issued by the respondent No. 5 against the applicant and served upon him on the same date (i.e. on 28.2.95) at 16.15 hrs., the last date of his retirement on superannuation.

ii) An order directing the respondent No. 3 to pay to the applicant his legitimate final settlement dues such as pensionary commutation value and DCRG as sanctioned in the Pension Payment Order being No. Pen/SE/KGPW/1995/B-73/PS-E/115/1202 on 13.5.95 (annexure-A12) by the respondent No. 3.

iii) An order with a direction to the railway authority concerned to make payment of 18% interest per annum to the applicant due to unexplained and inordinate delay in making payment of his legitimate retirement dues such as pensionary commutation value and DCRG which have not yet been paid even after expiry of more than 1 year from the date of his retirement on 28.2.95 although the leave salary had been paid on 22.2.96 i.e. after 1 year from the date of his retirement on superannuation.

iv) An order directing the concerned respondent to pay the entire cost and incidentals of the application to the applicant.

2. So far as the disciplinary proceeding is concerned, the respondents have stated by filing MA 350/99 that the President has since considered the case of the applicant in consultation with the UPSC and has decided that the pending disciplinary proceeding against the applicant may be dropped. In this regard our attention has been drawn to the letter dt. 1.4.99 which is at annexure-R1 of the MA.

3. In view of the above position, the prayer for quashing the charge-sheet has become infructuous.

4. The applicant has prayed for payment of his retiral dues such as DCRG, commuted value of pension, leave salary etc. along with 18% interest per annum as the applicant is not responsible for the delay in the settlement of his retiral dues.

5. The ld. counsel for the applicant has stated that the applicant has retired from service on 28.2.1995. He has already received the provident fund amount as well as GIS amount in time. But he received his leave salary amount only on 22.2.96. His DCRG amount has not yet been released and no step has been taken regarding payment of his commuted value of pension and according the ld. counsel for the applicant, for this, the applicant is entitled for payment of interest on the pending items of retiral dues from the date they became due till the actual payment is made as per rules.

6. Ld. counsel for the respondents confirms that the disciplinary proceeding against the applicant has already been dropped and he prays that further action in this regard may be allowed to be taken by vacating the interim order dt. 19.1.98. He agrees that the applicant is entitled for ^{some} statutory interest on account of late payment of pensionary **benefits as per rules**.

7. We have considered the entire matter in the light of the submissions made by the ld. counsel for the parties and materials on record. So far as the disciplinary proceeding is concerned, the prayer of the applicant in this regard has become infructuous in view of the fact that the Deptt. has already decided to drop the proceeding.

8. So far as retiral benefits, such as, DCRG and commuted value of pension are concerned, the matter requires to be examined with reference to the prescribed rules. The respondents are also required to settle the pensionary benefits of the applicant within a prescribed time limit along with interest which is admissible as per law with regard to delayed payment of such benefits.

(4)

9. In view of the above position, the respondents are directed to settle the pending pensionary dues of the applicant along with statutory interest as are admissible under the prescribed rules within a period of three months from the date of communication of this order. The interest so determined as per rules, shall be calculated from the date they became due till the actual payment is made. The interim order stands vacated.

10. Both the OA and the MA are disposed of accordingly. No costs.

Ratindar

MEMBER(J)

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MEMBER(A)