

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 531 of 1996.

Present : HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Shri Bhim Ghorai,
S/o- Late Indra Ghorai,
Ex-Gangman under PWI/Tamluk,
SE Rly, residing at -
Vill- Uttar Chanchiera,
PO. Dhuliapur,
Dist- Midnapore.

... Applicant.

vrs.

1. Union of India,
through the General Manager,
SE Rly, Garden Reach, Cal-43.
2. Chief Project Manager (C)
SE Rly, Calcutta.
3. Sr. Divl. Personnel Officer,
SE Rly, Kharagpur,
4. Permanent Way Inspector,
SE Rly, Tamluk, Midnapore.

... Respondents.

For Applicant : Mr. A. Chakraborty, Counsel.

For Respondents : Mr. P. Chatterjee, Counsel.

Heard on : 17.1.97.

Ordered on : 17.1.1997.

ORDER

1. Heard ld. Counsel for both the parties.
2. The applicant being a retired Gangman under P.W.I, Tamluk, SE Rly, has come with the allegation in the instant case against the respondents that since his retirement he is not getting any pension, gratuity etc though he went on retirement on superannuation on 31.5.1994.

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3. The case of the applicant is that - he was originally appointed in the Construction Unit as Casual labour under the railway-respondents. Thereafter, he was transferred to Open Line under P.W.I, Tamluk, SE Rly and he had to approach this Tribunal on several occasions for getting reliefs from the department. Ultimately, as per Order of the Tribunal passed in O.A. No. 765 of 1989 filed by the ~~xxx~~ instant applicant along with others which was disposed of by an Order dated 17.6.1992, the applicant was regularised as Gangman w.e.f. 1.4.1973 vide Office Order dated 4.9.1995. But before that date, the applicant had gone on retirement on superannuation w.e.f. 31.5.1994. Even after retirement he is not getting any provisional pension, gratuity etc as per his entitlement. Therefore, he has approached this Tribunal once again for getting appropriate relief in respect of pension, gratuity etc.

4. This claim of the applicant has been resisted by the respondents by filing a skeleton reply, which I have perused. Admitting the case of the applicant, the respondents have prayed for time to enable them to finalise the matter for clearance of arrears and pay fixation. The respondents have also admitted the fact that the provisional pension is yet to be sanctioned in favour of the applicant. In this connection they aver that the Respondent-Rlys. have taken up the matter with associated Finance to accord Provisional Pension after proper verification.

5. I have considered the facts and circumstances of the case perused records. During hearing, Mr. Chakraborty, ld. Counsel appearing for the applicant submits that there was an intentional delay on the part of the respondents to harass the applicant and from the very admitted position of the reply it is found that they did not take any action till date except that steps have been taken for grant of provisional pension after proper verification.

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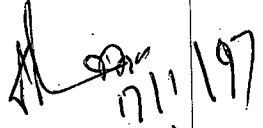
Therefore, according to Mr. Chakraborty, the applicant is entitled to get interest on his due claim from the date of retirement till actual payment is made by the respondents.

6. Mr. Chatterjee, Id. Counsel appearing on behalf of the railway-respondents submits that there is no intentional delay on the part of the respondents but due to non-availability of some reference for verification, the claim of the applicant could not be settled. Therefore, he submits that the respondents should be allowed further time as prayed for finalising the matter.

7. I have considered the submissions made by the learned Counsel for both the parties and I find that it is an admitted position that the applicant was confirmed on the basis of the direction given by this Tribunal in the CCP No. 56/93 arising out of OA No. 765/89. The conduct of the respondents indicates that inspite of specific direction given in that O.A, the applicant had to approach this Tribunal again by filing a Contempt petition against the respondents for getting relief as directed in the O.A. Moreover, it is found that the compliance Order was issued by the respondents only on 17.6.92 confirming the applicant in the PCR post w.e.f. 1.4.1973. I also find that the applicant went on retirement and he has not been given the Provisional Pension even. He did not get any pensionary benefits according to his entitlement under the Pension Rules due to laches of the respondents. Such inaction and/or omission on the part of the railway-respondents does not speak well in the matter of disposal of a pension case of a retired employee. Therefore, I find that it is a fit case to give a direction upon the respondents to pay the applicant his all pensionary admissible benefits immediately.

8. In the result, the application is allowed. The Respondent Nos. 1 & 2 are directed to finalize the pension proposal of the applicant and to make payment of pension, gratuity etc within

a period of 3 months from the date of communication of this Order, failing which, the applicant shall be entitled to get interest @ 15% per annum from the date of retirement till payment is actually made. The applicant is also entitled to get cost Rs. 500/- to be paid by the respondents. Accordingly, the application is disposed of.


(D. Purkayastha)
Member (J)

P/K/C.