

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. 840 OF 1997

DATE OF ORDER 9.06.05

Present : Hon'ble Mr. B.N. Som, Vice-Chairman.

Amitava Chakraborty

- v e r s u s -

E. Railway

For the applicant : None.
For the respondents : Mr. P.K. Arora, counsel.

O R D E R

B.N. Som, VC

None appeared for the applicant nor did the applicant appear in person nor had there been any formal request for an adjournment. However, Mr. P.K. Arora, the ld. counsel for the respondents is present and heard. With his aid and assistance, I have perused the materials placed on record.

2. This O.A. has been filed by the applicant (Shri Amitava Chakraborty) ventilating his grievance that the respondents have withheld his DCRG, leave salary, pension etc. and also an order has been passed by the authorities withholding relief on pension. He has, therefore, prayed before the Tribunal to direct the respondents to release the withheld DCRG and other retiral benefits.

3. Without going into the details of the matter, it would suffice to state that the learned counsel for the respondents, by drawing my

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notice to the order of this bench in M.A. 386/97 (arising out of this O.A.) dated 2.1.1998 stated that the Tribunal has already held that the applicant having been on unauthorised occupation of the quarters after his retirement, the respondents were within their rights to take action against the applicant and that withholding of relief on pension was not an illegal action amenable to challenge. That apart, drawing my notice to the Annexure-R dated 23.7.1997, Mr. Arora submitted that the respondents ~~having~~ ^{have} paid other retiral dues, i.e., Provident Fund, Group Insurance, Commutation of pension ^{and} have also sanctioned pension to the applicant with effect from 1.1.1987. He has further submitted that as the applicant has been paid pension and other retiral benefits and as it has been held by this Bench in its order dated 2.1.1998 that the respondents are within their rights to withhold relief on pension in the event of unauthorised occupation of quarter, nothing survives in this O.A. for further adjudication.

4. Having heard the ld. counsel for the respondents and having perused the materials placed on record, I find lot of force in the submission of Mr. Arora and accordingly, this O.A. is dismissed being devoid of merit.


Vice-Chairman. 9/6/98