

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A.848 of 1997

Present : Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman.  
Hon'ble Mr. M.S. Mukherjee, Administrative Member.

NIRMALENDU MAJUMDER, Ex-Crew  
Controller under the Divisional Railway Manager,  
Eastern Railway, Asansol.

... Petitioner  
Vs.

1. The General Manager, Eastern Railway,  
17, Netaji Subhas Road, Calcutta-1.
2. Divisional Railway Manager, Eastern  
Railway, Asansol-713 301.

... Respondents

For the petitioner : Mr.Balai Chatterjee, counsel.  
Ms.B.Mandal, counsel.

For the respondents: Mr.P.K.Arora, counsel.

v:

Heard on : 4.9.1997

Order on : 30-9-1997

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ORDER

A.K.Chatterjee, V.C.

The petitioner was formerly a Driver, Gr.C, at Asansol and thereafter appointed as Loco Foreman, Gr.'B', and he took voluntary retirement w.e.f. 5.11.1993 with full pensionary benefits. However, at the time of computation of pensionary benefits, 50% of running allowance which he was drawing was not added to the basic pay as required by the decision of the Hon'ble Supreme Court in the case of Amiya Kumar Chatterjee & Ors. vs. UOI & Ors (Civil Appeal no.11042-44 of 1996), as a

result of which the petitioner's pensionary benefit was # less than his entitlement. He made representation to the DRM regarding wrong fixation of pay and pension, but to no effect. In such circumstances, the instant application has been filed for appropriate reliefs.

2. We have heard the ld. counsel for the parties and perused the record before us.

3. Ld. counsel for the respondents has submitted that a direction may be given to the authorities to consider the prayer of the petitioner and to release such benefits as may be admissible under relevant laws and rules.

4. In the absence of reply from the respondents, we consider this a fair and <sup>a ~~second~~ <sup>second</sup></sup> ~~reasoned~~ way to dispose of the instant application.

5. We accordingly dispose of the application with a direction upon the respondents to treat the application itself together with the annexures as a representation for the reliefs claimed by the petitioner and to release such financial benefits to which the petitioner may be found entitled to, within six weeks from the date of communication of this order. In case the <sup>chiefly proposed</sup> ~~release~~ or any part of it is turned down, a reasoned order shall be passed and communicated within the same period.

6. No order is made as to costs.

Amulya 30/9/97  
(M.S. Mukherjee)  
Administrative Member

*A.C. Chatterjee*  
30-9-97  
(A.K. Chatterjee)  
Vice-Chairman