

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 171 of 1997

Present : Hon'ble Mr. Sarweshwar Jha, Administrative Member
Hon'ble Mr. M.K. Gupta, Judicial Member

Susanta Kr. Mookherjee

-VS-

Eastern Railway

For the Applicant : None

For the Respondents: Mr. P.K. Arora, Counsel

Date of Order : 20-09-2004

O R D E R

MR. SARWESHWAR JHA, AM

Ld. Counsel for the respondents is present. None is present on behalf of the applicant.

2. At the very outset, the Ld. Counsel for the respondents has submitted that this case has not been pursued by the applicant or on his behalf for quite sometime. This fact is confirmed on perusal of the order sheet also in which the applicant was last present on 23-9-2003. The matter is, therefore, proceeded with under Rule 15(1) of CAT Procedure Rules, 1987.

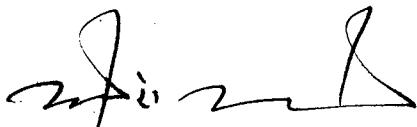
3. The facts of the case, in brief, are that the applicant has prayed for order be given to the respondents to pay him outstanding dues on account of wages with allowances, arrears of additional dearness allowance, sanctioned from time to time, bonus, as calculated in paragraph 14 of the application together with interest at the market rate, i.e., at the rate of 18% for inordinate delayed payment of the said amounts due to late Harimohan Mookherjee, who was a Gangman under the Eastern Railway. It is observed that

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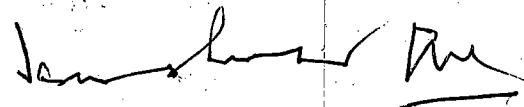
the period for which the outstanding dues have been claimed by the applicant in respect of his deceased father is from 2-7-1991 to 27-2-1993.

4. The respondents have submitted in their reply that late Shri Harimohan Mookherjee, Gangman was absent from duty during the said period and further that no L.A.P. and L.H.A.P. was due to him. Accordingly, they have mentioned that wages and other allowances for the above period cannot be paid to him. They have also submitted that no dues in respect of late Harimohan Mookherjee including bonus, additional dearness allowance, arrear etc. are pending with the respondents.

5. Having regard to the fact that the applicant has prayed for dues as referred to hereinabove in respect of late employee/the respondents are reported to have given due consideration and also have taken decision that no dues were payable to the late employee for the reason that no leave was available to his credit and keeping in view the fact that the matter has not been pursued by the applicant for last one year, we do not consider that there is any merit in the case of the applicant. Therefore, we are inclined to dismiss it. It is ordered accordingly. No costs.



Member (J)



Member (A)

DKN