

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A. No.521 of 1997

Present : Hon'ble Mr. G. S. Maingi, Administrative Member

1. Smt. Abha Ghosh, W/o Late Ghanteswar Ghosh, aged about 59 years
2. Sanat Kumar Ghosh, S/o Late Ghanteswar Ghosh, aged about 45 years
3. Swadhin Kr. Ghosh, S/o Late Ghanteswar Ghosh, aged about 43 years
4. Sunil Kumar Ghosh, S/o Late Ghanteswar Ghosh, aged about 41 years
5. Malay Kumar Ghosh, S/o late Ghanteswar Ghosh, aged about 40 years
6. Samir Kumar Ghosh, S/o late Ghanteswar Ghosh, aged about 38 years
7. Sisir Kumar Ghosh, s/o Late Ghanteswar Ghosh aged about 38 years
8. Subhas Kumar Ghosh, S/o late Ghanteswar Ghosh, aged about 36 years
9. Sukumar Ghosh S/o late Ghanteswar Ghosh, aged about 34 years
All residing at Village Bhimpur, P.O. Charpur, PS Jangipara, Dist. Hooghly

... Applicants

VS

1. Union of India, service through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Calcutta-700 001
2. The Chief Controller of Stores (M) Eastern Railway, 17, Netaji Subhas Road Calcutta-700 001
3. The Deputy Controller of Stores, Liluah, Eastern Railway, P.O. & PS-Liluah Dist. Howrah
4. The Works Accounts Officer, Liluah, Eastern Railway, P.O. & P.S. Liluah, Dist. Howrah

... respondents

For the Applicant(s): Mr. R. K. Sinha, counsel

For the Respondents : Mr. R. M. Roychowdhury, counsel

Heard on 10.05.2000 : : Date of order: 10.05.2000

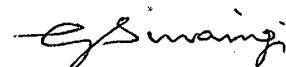
O R D E R

This application has been filed by late Shri Ghanteswar Ghosh who retired as Depot Storekeeper, Gr.III under Dy. Controller of Stores, Liluah, Eastern Railway against the above mentioned respondents alleging non-payment of full retiral dues and non-consideration of notice demanding justice dated 26.3.97 in respect of retiral benefits of encashment of leave (leave salary), money for commutation of pension, Security deposit money and statutory interest for delayed payment of death-cum-retirement gratuity and refund of security deposit. This application has been listed from time to time and in the meantime the applicant passed away. Thereafter by an order dated 29.4.99 passed in MA 194/99 by the Division Bench of this Tribunal the name of applicant, Shri Ghanteswar Ghosh has been substituted by his wife, Smt. Abha Ghosh and 8 sons. A statement of account on behalf of the late applicant has been filed on 15.9.98. Mr. R. K. Sinha, learned advocate for the applicant has discussed the various items of the statement of account filed on 15.9.98 and he has stated that the commuted value of pension as also the refund of security deposit along with the rate of interest at 18% has not been received.

2. *Sign for* Mr. Roychowdhury, learned advocate ~~the~~ ^{for} respondents drew my attention to paragraph 7.10 of the reply wherein it has been stated that the matter could not be finalised as late applicant, Shri Ghosh did not turn up ^{in person} the concerned office inspite of specific advice communicated under letter dated 12.06.97 to his residential address by registered post to settle the various issues relating to retiral benefits and as he did not attend the office the matter could not be finalised.

3. Heard the learned counsel of both sides in details. It is the contention of the learned counsel for the applicant that the interest on the amount of gratuity which has been received by him on 2.1.97 should be payable from 1.6.88 as the applicant had

retired on 31.5.88, at the rate of 15% per annum. This is not the job of the Tribunal to work out the interest. Therefore, keeping this spectrum in view I direct the respondents to work out according to rules the dues to be payable to the applicants (substitutes) within a period of three months treating this application as a representation of the applicants to the Railway authorities and after that if it is found that something more is due to be payable to the applicants than what was actually paid, in that event that amount should be paid within another two months to the applicants along with interest at the rate of 12% per annum. Accordingly, the case is disposed of awarding no cost.



(G. S. Maingi)

MEMBER (A)