

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.586/2002

Monday this the 26th day of August, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.M.Devassia, aged 67 years,
S/o Mathai (Retd. Confidential Stenographer,
Office of the Chief Personnel Officer,
North Frontier Railway Headquarters,
Maligaon) residing at
Kalathiparambil, Nalukuzhi Post,
Changanassery. ..Applicant

(By Advocate Mr. Martin G.Thottan)

V.

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi.
2. The General Manager,
(personnel), North Frontier Railway,
Headquarters Office,
Maligon, Guwahati. ...Respondents

(By Advocate Mr.P.Haridas)
The application having been heard on 26.8.2002, the
Tribunal on the same day delivered the following:

O R D E R

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The applicant retired from service of the
second respondent on 30.9.1993. As a criminal case
against him was pending, the applicant was not given
the retiral benefits. He had ^{not} been granted provisional
pension until he approached the Tribunal and the
Tribunal disposed of the OA 243/97 with a direction to
grant him provisional pension. The criminal case which
was pending against the applicant was disposed of by
judgment of the Special Judge, Guwahati on 16.11.01
acquitting him of the offences with which he was charge
sheeted. After the Judge acquitted the applicant, the

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applicant made Annexure.A2 representation dated 5.4.2002 to the second respondent enclosing a copy of the judgment acquitting him and requesting that his terminal benefits be granted to him with interest from the date of his retirement. Finding no response to this representation, the applicant has filed this application for a direction to the respondents to give the applicant his gratuity and other benefits with interest at the rate of 12 percent per annum with effect from the due date.

2. When the application came up for hearing learned counsel of the applicant as also Shri P.Haridas, appearing for the respondents submitted that the application may be disposed of directing the second respondent to consider Annexure.A2 representation of the applicant in the light of the judgment Annexure.A1 as also taking into account the Railway Board Circular Annexure.A3 and to make available to the applicant the monetary benefits, if any, flowing out of such consideration within a reasonable time.

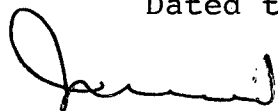
3. In the light of the above submission of the learned counsel on either side, we dispose of this application with a direction to the second respondent to consider Annexure.A2 representation of the applicant taking into account Annexure.A1 judgment by which the applicant was acquitted and in the light of Annexure.A3 Railway Board Circular and to take an appropriate decision as expeditiously as possible. We also direct

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that if on such consideration the applicant is found entitled to the benefits and interest as claimed, to make available to him the same as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 26th day of August, 2002



T.N.T. NAYAR,
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : A true copy of the judgement in Special case No. 18(c)/93, rendered by the Hon'ble Special Judge, Guwahati, Assam dated 16.11.2001.
2. A-2 : A true copy of the representation dated 5.4.2002 addressed to the 2nd respondent.
3. A-3 : A true copy of Railway Board Order RBE No.76/91 dated 15.4.1991.

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