

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 81/2009.

this the 21st day of July, 2009

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

N.P. Nair S/o Narayanan
retired JE/I/PW/ADEN/RE/ERS
residing at Revathy House
Kuttamperoor PO
Dist. Alleppey-689623

..Applicant

By Advocate Mr. T.N. Sukumaran

Vs

1 Union of India represented by
the General Manager
Central Organisation of Railway Electrification
Civil Lines, Allahabad

2 Chief Project Manager
Railway Electrification, Egmore
Madras-8

3 Senior Personnel Officer
Railway Electrification
Egmore, Madras-8

Respondents

By Advocate Mr. K. M. Anthru

The Application having been heard on 15.7.2009 the Tribunal delivered the following

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant a retired Railway employee seeks pensionary benefits.

2 The brief facts are that the applicant entered the Jhansi Division of Central Railway as a regular Khalasi on 3.10.1970, later absorbed as Gangman w.e.f. 10.5.1973, promoted as PWM on 4.1.1979. He was transferred to Railway Electrification in 1980, retired as JE/I/PW on 31.8.2008 on superannuation from the office of the 2nd respondent. The grievance of the applicant is that he has not been paid the entire pensionary benefits. Hence he filed this O.A. to declare that he is entitled to get pensionary benefits w.e.f. 1.9.2008 with 18% interest.

3 The respondents in their reply statement admitted that the applicant was appointed as Khalasi from 3.10.1970 in Jhansi Division of North Central Railway, on option he was transferred to Railway Electrification Project on deputation basis in 1980 and worked in various Railway Electrification Projects viz. Madurai, Nagpur, Visakapatnam and Chennai from 7.5.1997 and retired on 31.8.2008. They submitted that retirement benefits namely pension, commutation and DCRG have to be arranged by the parent Division/Railway i.e. Jhansi Division of North Central Railway where his lien is maintained and encashment of leave salary, GIS, PF are to be arranged by the Railway Electrification Project, Chennai. It is submitted that the Railway Electrification Project has arranged the following payments to the applicant:

1	GIS	Rs. 28,942.00
2	Last pay	Rs. 20,970.00
3	Encashment of leave salary	Rs. 1,86,880.00
4	PF	Rs. 5,00,439.00

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Bonus for the year 2007-08 and bonus arrears for the year 2006-07, Travelling Allowance for the months of July and August, 2008 have been paid. As regards pension, the original Service Book and all other documents were sent to Senior Divisional Personnel Officer, Jhansi division on 14.10.2008 asking for certain clarifications. Forty per cent of the VI Pay Commission pay arrears and the difference in the leave salary have already been paid to him. They further submitted that the applicant left his parent department in 1980 and worked in various projects on deputation basis and the settlement involved various agencies like Railway Electrification, Chennai, Sr. DPO, Jhansi and Sr Divisional Finance Manager, Jhansi. Therefore, the service particulars have to be verified from various agencies which would take time. Hence, there is no deliberate delay in arranging payment by RE, Chennai. They further submitted that neither the Sr.DPO, Jhansi Division nor the North Central Railway are included as respondents in the O.A.

4 The applicant has filed rejoinder stating that he was not sent on deputation but only on transfer to various places under the 1st respondent and that he has impleaded all the necessary parties in the O.A. He has also produced Annexure A-2 representation dated 16.9.2008 submitted to the 3rd respondent for transfer grant. The respondents have filed additional reply statement admitting that they have received the representation dated 16.9.08 which could not be acted upon for want of address of new residence of the applicant and that they followed the Railway Board letter NO.83 AC-II/21/26 dated 21.10.1983 (Annexure R-8) on settlement of cases of staff retiring from construction/projects.

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5 I have heard learned counsel appearing on both sides and carefully gone through the documents produced before me.

6 It is seen that applicant retired on 31.8.2008 and that even after the lapse of almost one year, the pension remains to be finalised. Provident Fund, Encashment of leave salary, Group Insurance, last pay, bonus for the year 2007-08, arrears of bonus for the year 2006-07, 40% of VI Pay Commission arrears and pending TA for the month of July and August, 2008 were paid to the applicant. The relevant papers were sent to Sr.DPO, Jhansi Division on 8.4.2009 who according to the respondents is the relevant competent authority in the matter.

7 As regards payment of transfer grant information on whether he has shifted the residence, if so the address of the new residence is necessary for issuance of sanction. We have perused the request made by the applicant. The applicant has submitted a casual request without giving requisite details.

8 What emerges from the above is that the respondents did not start preparation of pension papers of the applicant well in time as required under the rules. They were aware that the applicant was due to retire on 31.8.2008 on superannuation. They also knew that the applicant had worked in Jhansi Division of North Central Railway and various projects of Central Organisation of Railway Electrification. They have disbursed almost all other retiral benefits except the pension, DCRG and commutation of pension which are under process in consultation with various authorities. In view of the above, I am of the view that the O.A can be disposed of with the following direction

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to the 1st respondent:

(i) The Pension of the applicant be finalised and all arrears of Pension, DCRG and commutation of pension paid as early as possible at any rate within three months from the date of receipt of this order.

(ii) The applicant shall submit an application for payment of Transfer Grant preferring the bill showing details of residence etc. and the respondents shall grant the same within one month from the date of receipt of the same.

9 The O.A. is allowed as above. There shall be no order as to costs.

Dated 21st July, 2009


K. NOORJEHAN
ADMINISTRATIVE MEMBER

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