

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 345 of 1995

Monday this the 16th day of October, 1995.

CORAM

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

E. John D'Silva, S/o late A.D'Silva,
House No. 366, Thekkevila (PO)
Kollam-16 (retired as Stock Verifier
Office of the Financial Adviser & Chief
Accounts Officer, Eastern Railway,
Calcutta.)

..... Applicant

(By Advocate Mr. M.V.Thamban)
Vs.

1. The Financial Adviser & Chief
Accounts Officer, Eastern Railway,
17, Nethaji Subhash Road,
Calcutta.

2. General Manager, Eastern Railway,
Calcutta.

3. Medical Superintendent,
Southern Railway,
Palakkad Division, Palakkad. Respondents

The application having been heard on 16th October, 1995
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who retired following long leave on
10.1.90, submits that he has not been paid pension.
Voluntary retirement was permitted on 14.5.91 with effect
from 10.1.90. Even here much delay (17 months) is involved.

2. Respondents have filed a reply statement dated
28.7.95 verified by Sanjoy Mookerjee, Dy. Chief Accounts
Officer, Eastern Railway, Calcutta. Inter alia it reads:

"...the following settlement benefits have
been sanctioned and paid in favour of the
applicant:-

(a) Pension-----At the rate of Rs.676/- per month
with effect from 11.1.1990 autho-
rised to the Bank for payment under

contd.....

FA&CAO(Pen)/E.Railway/Calcutta's letter No.P/Pen/11872/HW/110/PSB/3690 dated 28.6.93, has been made through SBI, Kollam, A/c No. C1/86. A photocopy of the said letter is produced and marked for reference as Annexure R.6.

- (b) DCRG:----Rs.23,514/- has been passed for payment under CO7 No.090023 dated 20.7.93. An amount of Rs.6,948/- on account of outstanding Government dues was deducted from the above DCRG amount and the cheque sent to his home address by registered post.

The applicant has also been paid his provident fund money as admitted by him in the application itself. Disbursement of G.I.S. money in his favour is also being looked into."

3. Learned counsel for applicant submits that notwithstanding this statement, applicant has not been paid pension. He has to be paid atleast the admitted part of pension and that will be done.

4. He has a further grievance that pension has to be revised, and yet another grievance that he has not been medically examined for purposes of commutation in spite of his appearing before the different authorities. As far as the question of revision is concerned, we do not propose to express any opinion, in the state of pleadings. As far as the medical examination is concerned also, we are not in a position to express a final opinion. A3 would suggest that applicant had been advised to fill-up a form and forward it for processing his case for commutation. We have no idea as to what happened thereafter.

contd...

5. In the circumstances we direct:

- (a) First respondent to cause the admitted pension to be paid to applicant within two months from today and to ensure that pension is paid every month regularly. Applicant retired on 10.1.90 by reason of an order dated 14.5.91 and we would allow two months from 14.5.91 as reasonable time for sanctioning the pension. (The application for voluntary retirement took seventeen months to be processed). For the remaining period interest will be paid on the pension and gratuity at 12 (twelve) percent till the date of payment. We restrict it to twelve percent because there were contributory causes for delay.
- (b) Applicant will appear with the form for commutation before the third respondent and third respondent will medically examine applicant and make appropriate endorsements in the form within fifteen days of the applicant appearing before him. The competency of third respondent to conduct the medical examination is not disputed by respondents.
- (c) We permit applicant to state his case for revised pension in a representation and forward it to first respondent. First respondent shall examine it and pass a speaking order thereon within three months of the date of receipt of the representation and communicate the same by registered post to applicant.

contd....

6. The Registry will forward copies of this order to respondents 1 and 3 for compliance.

7. Original Application is allowed. Parties will suffer their costs.

Dated 16th October, 1995.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

*ks1610/-

LIST OF ANNEXURES

1. Annexure A3: True copy of the Letter No.
A/51/Misc./Bill/Retire/Pt.I dated 12.5.1993
received by the applicant from the first
respondent.
2. Annexure R6: True copy of letter No.
P/Pen/11872/HQ/110/PSB/3690 dated 28.6.1993
of FA&CAO(Pen)/E.Rly., Calcutta.