

Central Administrative Tribunal , Lucknow Bench, Lucknow

Original Application No. 195/2005

This the 21 day of January, 2006

HON'BLE SHRI S.P. ARYA, MEMBER (A)

Zildar , aged about 63 years son of Sri Ambika Prasad, resident of Village and Post Dokhahi, Ram Nagar Khajuri, Payagpur, District- Bahraich.

...Applicant

By Advocate: Shri G.S. Chauhan.

Versus

1. Union of India through its Secretary, Government of India, Department of Railway, Central Secretariat, New Delhi.
2. Divisional Railway Manager , N.E.R., Lucknow.
3. Divisional Railway Manager (Personal), N.E.R., Lucknow.
4. Divisional Railway Manager (Engineering) N.E.R., Lucknow Junction.
5. Assistant Divisional Engineer, NER, Bahraich.
6. Senior Section Engineer(P.W.), Bahraich. Respondents.

By Advocate: Shri S.M.S.Saxena

...Respondents

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

The applicant while working as Chowkidar with the respondents , retired on 28.2.2003. Retiral benefits have not yet been paid to the applicant. The applicant by this O.A. seeks for direction to the respondents to give all the retiral benefits with 12% interest to the applicant in accordance with Annexure -2 which is a statement for payment of retiral dues.

2. I have heard the learned counsel for parties and perused the pleadings on record.

3. It appears that the applicant was involved in some criminal case. The charge sheet has been quashed by the Hon'ble High Court. On the information received from the District Magistrate's Office that judgment dated 23.5.2003 passed by the Hon'ble High Court , Lucknow Bench , Lucknow has to be appealed against, retiral dues have been withheld, such a communication issued on 6.4.2004. There is nothing on record to show that such an appeal has been filed. In the absence of an appeal having been filed till date of argument, the plea of the respondents that the appeal has to be filed becomes meaningless. The applicant is entitled to the retiral benefits as given

in Annexure -2 of the application. Respondents are accordingly directed to make payment as per calculation given in Annexure-2 of the application within a period of 2 months.

4. With these directions, O.A. is disposed of without any order as to costs.

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(S.P. ARYA)
MEMBER (A)

"HLS"