

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No.39/2011
This the 03rd June 2011

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Ram Dulare, aged about 80 years, son of Late Banshi Lazl, Resident of Balmiki Colony, Ward Qadam Rasool near Mohan Meakin, Daliganj, Lucknow.

...Applicant.

By Advocate: Sri Mubin Ahmad.

Versus.

1. Union of India, Ministry of Railways, through its General Manager, Baroda House, New Delhi.
2. D.R.M./Divisional Officer, Northern Railway, Hazratganj, Lucknow.

.... Respondents.

By Advocate: Sri S. Verma.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Heard. After a careful perusal of the OA, I am of the opinion that it can be decided at this stage itself.

2. This O.A. has been filed for directing the opposite parties to pay the remaining gratuity amount to the applicant with interest @ 12 % alongwith cost of the OA. It has been pleaded that the applicant joined service of the railways on 24.11.1962 and retired on 02.09.1999 i.e. after about 37 years. It is further said that he is entitled to Rs.161000/- as amount of gratuity by the department against which an amount of only Rs.77803/- has been paid by the department by the relevant Cheque. He sent a notice dated

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21.05.2010 followed by another notice dated 7.8.2010 but the respondents did not pay any heed, hence, this OA has been filed.

3. From the other side, it is pointed out that both the notice/representation Annexure-2 and Annexure-3 are addressed to Director/Divisional Officer, Northern Railway. But neither any post of Director nor Divisional Officer is in the establishment of the railways. He further points out that in this OA the alleged Director or Divisional Officer have not been made as party though both the aforesaid representation are addressed to them. In their place two respondents have been shown in the array of the parties i.e. Union of India, Ministry of Railways, through its General Manager, Baroda House, New Delhi and D.R.M./Divisional Officer, Northern Railway, Hazrotganj, Lucknow. Sri Verma further submits that proper authority to deal this matter is senior Divisional Personnel Officer. In any case the concerned authority would be under the DRM, Northern Railway, Lucknow.

4. It is also worthwhile to mention that though the applicant has claimed an amount of Rs.161000/- as gratuity as against which the Rs.77803/- which has been paid to him, but no details of calculations have been furnished on the basis of which the amount claimed has been arrived at. In his both representations also no such details have been given. It is orally mentioned that he was told about the amount of Rs.161000/- by the officials of the railway department. But names of those officials have not been mentioned. It is also not ascertainable that the said information was written or oral. Nevertheless, the age of the applicant has been shown to 80 years. He is a senior citizen. In view of the entire facts

and circumstances of the case in my opinion, it would meet the ends of justice if this OA is disposed of finally with a direction to the applicant to move a fresh representation addressed to Senior Divisional Personnel Officer/ Divisional Railway Manager, Northern railway, Lucknow giving out the full details which are available with the applicant in this regard within a month from today and thereafter the Respondent No.2 shall decide it expeditiously preferably within three months. Accordingly, it is so ordered. No order as to costs.

Alok Kumar Singh
— 3.6.11
(Justice Alok Kumar Singh)
Member (J)

Amit/-