

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

Original Application No 368 of 2012

Order Reserved on 11.7.2014

Order Pronounced on 18/07/2014

HON'BLE MR. NAVNEET KUMAR MEMBER (J)

Jai Shankar Prasad Shukla, aged about 64 years, son of Hari Ram Prasad Shukla, Resident of 339/Naubasta, Kanpur.

Applicant

By Advocate Sri Dharmendra Awasthi.

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Rail Manager (Personnel) North Eastern Railway, Hazratganj, Lucknow.

Respondents

By Advocate Sri Rajendra Singh for Shri D. B. Singh.

ORDER

By Hon'ble Mr. Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following reliefs:-

- (i) To direct the respondents to ensure the payment of provident fund, gratuity, commutation and other post retire dues of applicant forthwith along with interest in accordance with law.
- (ii) To direct the respondent to dispose of the representation of applicant and to ensure the payment of post retire dues including other service dues of the applicant forthwith in accordance with law.
- (iii) To direct the respondents to compensate the applicant for the delayed payment of pension, provident fund gratuity,

commutation and other retire dues in view of settled principles of law.

(iv) To issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of the case.

(v) Award cost of Original Application in favour of the applicant.

2. The brief facts of the case are that the applicant was initially appointed on the post of Operator in 1966 and after serving sufficient period of time, he was compulsorily retired from service vide order dated 10.1.1996. The applicant also preferred an O.A. before this Tribunal earlier vide O.A. No. 444/1994 which was decided by the Tribunal vide order dated 28.1.2002. The said O.A. was filed by the applicant for issuing direction to the respondents to allow the applicant to continue on the post Trains Clerk and to regularize on the said post w.e.f due date and to grant pay scale of Rs. 1400-2040 as admissible to the post of Senior Trains Clerk. The learned counsel for the applicant fairly submitted that since the date of the order dated 10.1.1996, till the date on which the applicant was compulsorily retired was not paid the retiral dues.

3. On behalf of the respondents, no reply was filed despite sufficient opportunities was granted to them. The learned counsel appearing on behalf of the respondents also fail to indicate that whether the applicant was paid retiral dues as prayed for or not.

4. The Learned counsel appearing on behalf of the applicant once again submitted that he has already submitted a representation in April, 2012 and the said representation is still pending for final adjudication.

5. Without going into the merits of the case, I feel it appropriate to issue a direction upon the respondents that since the payment of pension, provident fund, gratuity, commutation and other retiral dues is not bounty to be paid to the employee and it is incumbent upon the respondents to pay the due amount.

6. Under such a circumstances, respondents are directed to consider and decide the applicant's representation dated 8.4.2012 as contained in Annexure A-4 to the O.A. and pass a reasoned and speaking order within a period of six months from the date a certified copy of order is produced and the decision so taken be communicated to the applicant.

7. With the above observation, the O.A. stands disposed of. No order as to costs.

W.R. Arora
(Navneet Kumar)
Member (J)

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