

**CENTRAL ADMINISTRITIVE TRIBUNAL
LUCKNOW BENCH**

O.A.No.253/2006
This the 28th day of February 2007

HON'BLE SHRI M. KANTHAIAH, MEMBER (J)

Kamal Kishore Bhatt, Son of Late Sri Mata Prasad Bhatt, Vill. Damodarpur, PO Jahangirabad Raj, Distt. Barabanki (U.P.).

... Applicant.

By Advocate:-Applicant In person.

Versus.

1. Union of India and Others Though : The Sectary to the Ministry of Railways, Rail Bahwan, New Delhi.
2. The General Manager, Northern Railway, Hd. Qtr. Office, Baroda House, New Delhi (Revisional Authority).
3. Not applicable herein: The Chief Workshops Engineer, Head Office, Baroda House, New Delhi (Appellate Authority).
4. The Dy. Chief Mechanical Engineer (W) Northern Railway, Workshop, Bikaner (Rajasthan) (Disciplinary Authority/ Provisional Relief granting authority).

... Respondents.

By Advocate:-Shri Bhupendra Singh for Shri N.K. Agrawal.

ORDER

BY SHRI M. KANTHAIAH, MEMBER (J)

The applicant has filed this Original application stating that the statutory due payments, which are required to be paid to him by the respondents in compliance of the order dated 25.2005 and 24.4.2006 passed by this Tribunal in his C.C.P. And M.P. Application respectively.

2. In respect of the facts, he stated that he mentioned all those details in his C.C.P.No.35/2005 in O.A.No.372/2004 and also in his M.P. No.27/2006 in C.C.P.No.35/2005 ~~and~~ which are to be considered for issuing suitable order or direction to the respondents for consideration of his due statutory payment along with compensatory relief with penal interest and other climes made by



him. Along with OA he filed copy of the orders passed in M.P.No.27/2006 in C.C.P.No.35/2005 and copy of M.P.No.1707/206 and M.P.No.2192/2006.

3. The respondents have filed their Counter Affidavit stating that the applicant was removed from service w.e.f. 5.1.1988 as a measure of major penalty and on mercy appeal filed by him General Manager, Northern Railway, New Delhi modified the penalty of removal from service to compulsory retirement w.e.f. 05.01.1988. As a result thereof, the applicant was extended provisional payment of pension and all the other settlement payments i.e. DCRG, P.F., CGIS etc. except commutation of pension. Annexure CA-1 is the copy of PPO No.13921212 dated January 1992 issued by 4th Respondent. Subsequently, his pension was further revised w.e.f. 1.1.1996 in accordance with the Recommendation of Vth Pay Commission and Annexure-CA-2 is the copy of such PPO No.01921130090 dated May 2001. Though, the applicant filed C.c.P.No.35/2005 for releasing of his due pensionary benefits but the same was dismissed by this Tribunal vide order dated 25.5.2005. Again the applicant filed M.P.No.827/2006 in C./C.P.No.35/2005 in O.A.No.372/1994 before this Tribunal claiming certain payments and Annexure-CA-3 is the copy of order passed in C.C.P.No.35/2005 on 25.5.2005. when the said M.P.No.827/2006 was dismissed on 24.4.2006, the applicant has filed this O.A. Without giving details of payment due to him. In absence of such details, his case cannot be scrutinized again. They further stated that all payments have been made except commutation of pension. Although the commutation of pension has not been given to the applicant but he was given full pension from the date of his compulsory retirement and as such he has not suffered any loss. They further stated that if the applicant is still wants to commute his pension, he can apply for the same as per



the rules and then can be sent for medical examination and on Medical Board Recommendation, commutation can be sanctioned. ~~They also further that~~ They have also taken objection that the applicant has not avail^{ed} the departmental remedies and his claim is also barred by limitation. When his settlement dues are arranged and PPO was issued in January 1992 itself. Thus, they have prayed to dismiss this petition stating that the applicant is not entitled for any relief.

4. The applicant has filed Rejoinder Affidavit reiterating his pleas in the O.A.
5. Heard both sides.
6. The points for consideration is whether the applicant is entitled for the relief as prayed for.
7. From the pleadings of the applicant, it is not clear and he has not given the particulars of statutory due payment payable to him from the respondents. ~~In~~spite of it, the respondents have furnished all the details stating that the major penalty from removal from service was reduced to compulsory retirement w.e.f. 5.1.1988 and thereafter the applicant was extended provisional payment of pension and other dues i.e. DCRG, P.F., CGIS etc. in the month of January 1992 itself and subsequently, his pension was also revised on 1.1.1996 in accordance with the Vth Pay Commission. From their Counter Affidavit, it is clear that they have paid whatever amount due to the applicant. They also stated that the applicant has not made any application for commutation of pension and without making such application and medical examination, such claim cannot be entertained. From their Counter Affidavit of the respondents, it is clear that nothing is pending before the respondent authority for finalization of the claim of the applicant.
8. Further, without giving the details of the benefits which are to get

from the respondents and also without any pendency of such claim before the authority allowing the claim of the applicant does not arise. Similarly, the applicant has not made representation before the concerned authority furnishing the details of his claims, which are to be decided and without making any such claim and without disposing of such representation, he filed the present OA that too without giving any details of his claim is not at all tenable.

9. In view of the above discussions, the applicant is not made out any case and further he is not specifically mentioned ~~what~~ are the claims to be settled from the respondents side and in such circumstances this Tribunal is not in a position to entertain his claim. Thus, there are ~~no~~ ^{no} justified claims to be allowed hence the OA is dismissed. No order as to costs.


M. KANTHAIAH
MEMBER (J)

28.2.07

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