

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA No. 805 of 205

Patna, dated the 12th January, 2007

CORAM: The Hon'ble Mr.S.N.P.N.Sinha, M[A]

Jagdish Prasad, s/o Late Ram Lakan Mahto, retired TTE, Bakhtiyarpur under DRM, EC Railway, Danapur, Mohalla Choto Harijan Toli [Near Bakhtiyarpur Railway Colony], PO & PS Bakhtiyarpur, District Patna.

Applicant

By Advocate: Shri A.N.Jha

versus

1. Union of India through the General manager, EC Railway, Hajipur.
2. The Chief Personnel Officer, EC Railway, Hajipur.
3. The Divisional Railway Manager, EC Railway, Danapur.
4. Sr. Divisional Personnel Officer, EC Railway, Danapur.
5. Sr. Divisional Commercial Manager, EC Railway, Danapur.

Respondents

By Advocate: Shri R.N. Choudhary

ORDER

S.N.P.N.Sinha, M[A]:-

The present application has been filed for quashing of an order issued by respondent no.3 and for payment of Pension, Bonus and amounts deducted from salary for specified periods and for inclusion of the name of Smt. Bano Devi, who is entitled to receive payments. The applicant was initially appointed as T.T. Porter in 1968 and was subsequently promoted as T.C. In 1985. He superannuated on 1.12.2003 from the post of TTE. He had deposited his E.F.T.Book which was allotted to him. He had also vacated the

Railway quarter. It is claimed that his retiral dues were not paid to him. He filed OA 181/04 when his representations to the concerned authorities were not disposed of. The Tribunal directed the respondents to decide the applicant's representation. The respondents thereafter by order dated 7.4.2004 released payments, including Pension, Gratuity, Insurance and Commutation along with leave salary except Family Pension and pension as arrears from 1.12.2003 to 30.10.2004 as well as bonus from 1.1.2003 to 30.11.2003. Certain deductions were also made. The name of the wife Smt. Bano Devi was deleted from the service record for the purpose of Family Pension, Pass and PTO. The applicant thereafter filed CCPA 23/05 in which the Tribunal by order dated 11.7.2005 directed that interest for the delayed period in payment of retiral benefits should be paid in accordance with the rules.

2. It was submitted on the respondents' behalf that the Pension Booklet was submitted by the applicant with delay, that is, 5 days before his retirement, whereas it should have been deposited at least one month prior to retirement. This caused delay in disposal of his case. One Smt. Lila Devi subsequently claimed that she was the legally wedded wife of the applicant. An inquiry was made into the matter and it was found that Smt. Lila Devi was the legal wife of the applicant and she had filed a Maintenance Case [No.99[M] of 03] before the Principal Judge, Patna. However, all terminal dues had already been paid vide CO7 No.090006 dated 12.4.04, except Family Pension, which has not been sanctioned due to dispute mentioned above. The respondents complied with the direction of this Tribunal in OA 181/04 and passed a speaking order dated

25.5.2005. It was further submitted that a Writ Petition[CWJC No.588/06] has been filed before the Hon'ble High Court Patna with regard to the direction of the Tribunal for payment of interest on the delayed payment, which is pending for disposal.

3. From the record and the submissions from the two sides, it appears that the retiral dues of the applicant [Pension, Gratuity, Insurance, Commutation and Leave Salary amount] was paid. Family Pension, as submitted by the respondents, is pending on account of the dispute raised by one claimant Smt. Lila Devi. So far as interest for the delayed payment is concerned, the respondents have, as mentioned above, filed a writ petition before the Hon'ble High Court. It is, therefore, evident that in accordance with the order of this Tribunal in OA 181/04, the respondents passed a speaking order dated 25.5.2005 which mentions the release of retiral dues to the applicant in April 2004 itself. There is no justification, therefore, for interference by this Tribunal in the matter.

4. The application is, therefore without merit and is, in the result, dismissed. No order as to costs.



[S.N.P.N.Sinha]

Member[A]

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