

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 18.4.2000

OA 464/97

K.G.Gupta, resident of 1077, Ram Nagar, Shastri Nagar, Jaipur.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.

2. Divisional Railway Manager, Western Railway, Ajmer.

3. Divisional Accounts Officer, Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

For the Applicant

... None

For the Respondents

... Mr.Hemant Gupta, proxy
counsel for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA, the applicant makes a prayer to direct respondent No.2 to release all retiral benefits, as mentioned in para 4.6 of the application, with interest and costs of the suit.

2. As per para 4.6 of the application, it is stated by the applicant that following items (retiral benefits) are still being withheld :-

"(I) Balance salary for the months of Oct '94 (Rs.3420), Nov. '94 (Rs.3970), Dec.94 (Rs.3970), Feb.95 (Rs.4426), March,95 (Rs.3506), Total = Rs.21292/- approximately.

Deducted as a result of 113 days Medical leave from 4.8.94 to 26.11.94, although sanctioned by respondent No.1 but later on converted into Leave without pay by Resp.No.2.

Reason: Non-availability of the applicant's Leave Account. ..

(II) Rs.1335/90 - Pay Commission arrear due to refixation on 1.1.86.

Bill drawn by the office of Resp.No.2, and also passed for

Payment by the Office of Resp.No.3, but deposited in un-paid accounts (Ref. Pay Order No.036220 dated 1.10.96 and Bill No.5191 dated 26.2.87).

(III) Productivity Link Bonus:

Period 1993-94 Rs.1050/- and 1994-95 Rs.1691/-

Still not released nor any reason given.

(IV) Travelling Allowance Bills:

April '95 Rs.798/-

May '95 Rs.1480/-

July '95 Rs.560/-, Total Rs.2838/-

As Original bills lost, submitted Duplicate bills with Certificate of Non-Payment."

3. Reply was filed. In the reply, it has been stated that all the claims of the applicant have been paid and nothing is due against the respondents. Therefore, prayer has been made to dismiss this OA with costs.

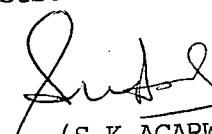
4. On the perusal of the pleadings of the parties and perusal of Annexure R-1, the pay slip, which has been filed by the respondents, it is clear that the payment due to the applicant regarding the salary has been passed and since the applicant did not receive the said payment, it was deposited in the unpaid account by Pay Order No.036220 dated 1.10.96. The applicant may withdraw the same after filing an application before the competent authority.

5. As regards the Productivity Link Bonus for the period 1993-94 and 1994-95, it has been made clear in the reply filed by the respondents in para 4(6)(III) that the applicant has been paid the Productivity Link Bonus of Rs.1450/- for the period 1993-94 and Rs.2397/- for the period 1994-95.

6. Regarding TA Allowance, it is stated by the respondents in the reply in para 4(6)(IV) that Rs.1716/- was paid to the applicant in the month of June, 95 and other Travelling Allowance Rs.2143/- was paid to the applicant in the month of July, 95. Regarding the Railway Medical Card, it is stated in the reply that the Medical Card has already been issued to the applicant on 11.8.97, which was received by the applicant much prior to filing of this OA. Therefore, in my considered opinion, nothing is due to

the applicant and this OA, in the facts and circumstances of this case, have no merits and is liable to be dismissed.

7. I, therefore, dismiss this OA with no order as to costs.


(S.K. AGARWAL)
MEMBER (JUDL)