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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 41/1/2000

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... 41/1/2000 Pg..... 1 to 5
2. Judgment/Order dtd. 14/02/2001 Pg..... No separate order dismissed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 41/1/2000 Pg..... 1 to 11
5. E.P/M.P..... NIL Pg..... to
6. R.A/C.P..... NIL Pg..... to
7. W.S..... NIL Pg..... to
8. Rejoinder..... Pg..... to
9. Reply..... Pg..... to
10. Any other Papers..... Pg..... to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 41/2000

OF 199

Applicant(s) *Chandan Bhawani Majumder*Respondent(s) *Union of India and others.*Advocate for Applicant(s) *Mr. A. Hai.*Advocate for Respondent(s) *R.D. Advocate.*

Notes of the Registry	Date	Order of the Tribunal
Within time Fees of Rs. 30/- Petition No. 41/2000 Date 3.2.2000 <i>Mr. A. Hai</i>		<p>This Misc. Petition has been filed for acceptance of the written statement. Written statement which could not be filed within time allowed. The reasons for failure to file the written statement within time has been mentioned in the petition. Mr. [REDACTED] learned counsel for the [REDACTED] has no objection. Written statement is accepted. Misc. Petition is disposed of.</p> <p><i>g/fm</i></p>
<i>Am 6/1</i>	1m	Member
	9.2.2000	<p>Mr. A. Hai learned counsel for the applicant is present. On the prayer of Mr. J. L. Sarkar learned counsel for the Railway case is adjourned to 16.2.2000. for Admission.</p> <p><i>6/1</i></p>
	1m	Member

Notes of the Registry

Date

Order of the Tribunal

17 - 2 - 2000

16.2.2000

Issue notice on the respondents.

Mr. A. Hai learned counsel for the applicant. None for the respondents.

Returnable by four weeks. List on 15.3.2000 for Admission.

6
Member

Service of notices prepared and sent to D. Section 70A, issuing of the same to the respondents through Regd. post with A.D.

By vide D.No. 492
to 495 Dtd. 17-2-2000.

lm

14 - 3 - 00

15.3.2000

Service Reports are awaited.

No reply has been received from the respondents.

Application is admitted. Issue notice on the respondents by registered post. List on 26.4.00 for written statement and further orders.

6
Member (A)

LM

26
16/3/2000

28-03-2000
Order dated 15-3-2000
has been prepared and
sent to D/S for issuing
to the Appellant and
by counsel.

Vide D.No. 917
to 918 Dtd. 28-3-2000 (28/3/2000)

Notice duly served
on R.No - 1, 2 and 3.

By
14-5-2000

15-5-00

Mr. CDS has been
fixed.

by

26.4.00

None is present. However, for the ends of justice list for orders on 16.5.00.

6
Member

nkm

16.5.00

None appears for the applicant and none also for the respondents in spite of notice.

It appears that copy of the application was accepted by Mr. B.K. Sharma on behalf of the Railways as far back as on 3rd February, 2000.

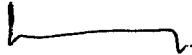
Mr. B.K. Sharma, learned counsel for the Railways is not present today. The case was ~~admitted~~ listed on 15.3.2000. Therefore, the respondents should file written statement before the next date of hearing. Mr. B.K. Sharma should take note of it.

List on 6.6.00 for written statement and further orders.

2
Member (J)

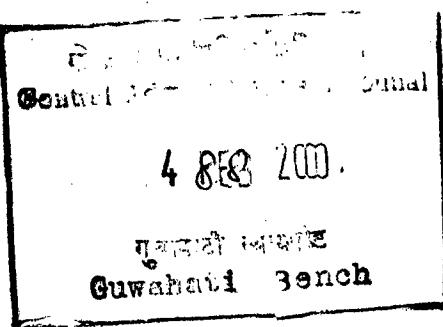
Notes of the Registry	Date	Order of the Tribunal
<u>2/6/00</u> No WPs have been filed. <u>On 2/6/00</u>	6.6.00	None for the applicant. Mr J.L.Sarkar requests for adjournment on behalf of Mr B.K.Sharma, learned counsel for the respondents. List on 13.6.2000 for order.
<u>12-6-2000</u> No. written statement has been filed.	pg	
	13.6.00	Present: Hon'ble Mr D.C. Verma, Judicial Member None for the applicant. Mr B.K. Sharma, learned Railway Counsel seeks time to file written statement. Two weeks time is granted to file written statement. List for orders on 29.6.00.
	nkm	
<u>Written statement has not been filed.</u> <u>20-9-2000</u>	29.6.00	There is no Bank today. Adjourned to 14.7.00. 870 b
	14.7.00	Adjourned to 1.8.00. 870 b
	1.8.00	There is no Bank. Adjourned to 18.8.00. 870 b
	18.8.00	There is no Bank. Adjourned to 21.9.00. 870 b

Notes of the Registry	Date	Order of the Tribunal
No written statement has been filed.	21.9.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. None appears for the applicant. Two weeks further time is allowed to the respondents as a last chance to file written statement. List on 25.10.00 for written statement and further orders.
No wife has been filed.	23.10.2000	mk.
No wife has been filed.	25.10.00	lm
No wife has been filed.	9.11.00	8 List on 9.11.2000 to enable the respondents to obtain written statement.
No wife has been filed.	6.12.2000	pg
No written statement has been filed.	7.12.2000	Heard Mr A. Hai, learned counsel for the applicant and Mr S. Sarma representing the learned Railway Standing Counsel, Mr B.K. Sharma. No return has so far been filed. The matter relates to pensionary benefits. Accordingly the case may be listed for hearing on 18.1.2001. The respondents may file the written statement and the relevant records in the meantime.
	nkm	Vice-Chairman
(8-11)		MSB. Adjourned to 24.1.2001. 18.1.

Notes of the Registry	Date	Order of the Tribunal
No written statement has been filed.	24.1.01	<p>The case was listed wrongly for orders. It should have been listed for hearing. However list the case for hearing on 14.2.2001. In the meantime the respondents may file written statement. After the order was passed one gentleman Chandra Bhushan Mazumdar prayed for withdrawal of the application. The counsel for the applicant is not present.</p> <p>List it again for hearing as ordered earlier on 14.2.2001.</p> <p> Vice-Chairman</p>
<i>Received copy of the order from L/Adv. 7/6/2001</i>	14.2.01	<p>Heard Mr. A. Hailearned counsel for the applicant and also Mr. J. L. Sarkar learned Railway Standing counsel.</p> <p>Mr. C. B. Mazumdar applicant in person is also, personally, present. Mr. Hai has been stated that he has been instructed by Shri Mazumdar not to press the petition, in view of settlement of the matter outside the Court. ^{For the reasons} In view of the order this application is dismissed as not pressed.</p> <p> Vice-Chairman</p>
<i>12.6.2001 Copy of the order has been sent to the Secty for issuing the same to the L/Adv. for the Rb. HS</i>	1m	

5

Notes of the Registry	Date	Order of the Tribunal



Chandrabhushan Mazumdar
Filing by
A. Ghose
3-2-2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

(An application under section 19 of the Administrative
Tribunal Act, 1985)

O.A.No. 41 /2000

Shri Chandra Bhushan Mazumdar ... Applicant.

-Versus-

Union of India & Others ... Respondents

INDEX

Sl.No.	Particulars of documents	Page No.
1.	Application	1 - 6
2.	Verification	7
3.	Annexure 1	8
4.	Annexure 2	9
5.	Annexure 3	10
6.	Annexure 4	11
7.		

For the use in Tribunal's office

Date of filing

Registration No.

REGISTRAR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

BETWEEN

FA. 41/2002

1. Sri Chandra Bhusan Majumdar
son of Late Bibekananda Majumdar
Mariapatti, PO Amingaon,
Guwahati-78103, Dist.Kamrup (Assam)

... APPLICANT.

- Versus -

1. The Union of India
represented by the Secretary to the
Govt. of India, Railways Communication
Ministry, Railway Services Board,
New Delhi-110001
2. The General Manager (P)
NF Railway, Maligaon
Guwahati-781 011
3. The Divisional Railway Manager,
Guwahati-781 011
P.O. Alipurduar Junction
4. District Commercial Superintendent,
NF Railway, Alipurduar Junction.

... RESPONDENTS.

DETAILS OF THE APPLICATION

1. PARTICULARS AGAINST WHICH THE APPLICATION IS MADE :
Non-disposal of Representations dated 15.1.1994,
12.8.1994 and 9.12.1998 submitted by the applicant.
2. JURISDICTION OF THE TRIBUNAL :
The applicant declares that the subject matter of the
instant application against which he wants redressal
is within the jurisdiction of the Tribunal.

... Contd..2

13
Chandrashekhar Manjrekar

(3)

3. LIMITATION

The applicant further declares that the application is within the period of limitation prescribed U/S.21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

(i) That the applicant retired from railway service on 31.5.1991. While in service the applicant had in his credit good deeds and activities and he did his duties with sincerity and to the satisfaction of his superiors.

(ii) That before 31.5.1991 the applicant was allotted Over time duty and the authority was pleased to prepare OTA Bill in respect of the applicant to the tune of Rs.6,999/- (Six thousand nine hundred ninetynine) but at the time of retirement or thereafter his Over time allowance so prepared by the authority was not paid to him.

(iii) That the applicant begs to state that he further deposited an amount of Rs.300/- (Rupees Three hundred) as security money in the year 1968 as per letter dated 5.6.68. As per rule this amount should have been refunded to the applicant at the time of retirement but the same was not refunded to the applicant.

A copy of the letter dated 5.6.68 is annexed herewith and marked as Annexure-I to this petition.

(iv) That the petitioner begs to state that on 31.12.92 the Divisional Railway Manager (P) Alipurduar Junction passed an communication to the applicant directing him to arrange and to submit duplicate copy of the OTA Journal for the period from 10.1.89 to 10.2.90 duly

...

Chandrasekhar
Bhinder
Premji

(4)

signed and certified by the S.S. concerned for taking necessary action. It needs to be mentioned here that the OTA Journal submitted by the applicant to the authority concerned has been duly registered and register is maintained by the authority concerned, and as such, the applicant has nothing to do with the same.

A copy of the communication dated 21.12.92 is annexed herewith and marked as Annexure-II to this petition.

(v) That the applicant begs to state that thereafter on 3.5.93 the Divisional Railway Manager, NF Railway Manager Alipurduar passed a communication to the applicant stating inter alia that payment will be made if admissibility is determined.

A copy of the communication dated 3.5.93 is annexed herewith and marked as Annexure-III to this petition.

(vi) That the applicant begs to state that he submitted several representations/appeal before the authority concerned for releasing the OTA amount to the tune of Rs.6,999/- which was prepared after 31.5.91 and the Security Money amounting to Rs.300/- which he deposited on 5.6.68 has not yet been released and payment has not been made.

A copy of the representation dated 5.2.94 is annexed herewith and marked as Annexure-IV to this petition.

(vii) That the petitioner begs to state that the OTA Bill prepared by the authority concerned in the year 1991 comes to Rs.6,999/- and as the OTA Bill has not

....

12
Chandrabhushan
Bhattacharya

(5)

been paid to the applicant upto now the Respondents are liable to pay interest thereon the total of which comes to Rs.8,189/- (approximately) together with interest. Further the security money which the applicant had deposited on 5.6.68 amounting to Rs.300/- is also not refunded to the applicant and as such the respondents are duty bound to refund the same with interest @ Rs.17/-% the total of which comes to Rs.1,932/- (Rupees one thousand nine hundred thirtytwo). Hence the total claim of the applicant is Rs.8,189/- + Rs.1,932/- = Rs.10,121/- together with costs of this application.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

- (i) For that the applicant is legally entitled to get the above amount which has been withheld by the authority concerned, and as such, the applicant being a Railway employee retired on 31.5.91 is entitled to get the full amount together with interest accrued thereon, i.e. on the OTA Amount and the security money as per the service rules.
- (ii) That in any view of the matter by not releasing the payment of OTA and Security Money the Respondents violated the service laws/rules/guide lines/existing norms which the applicant is entitled to get.
- (iii) For that the procedure followed in the case of the applicant is contrary to the law/rules/norms, and as such, the applicant is entitled to get the OTA and the security money together with interest.

....

check and sign Blanket or
each and every page

(6)

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant declares that there is no other alternative and/or efficacious remedy available to him than to prefer the instant application under the peculiar facts and circumstances of the case.

7. MATTERS PREVIOUSLY NOT FILED OR PENDING IN ANY OTHER COURT :

The applicant further declares that he has not previously filed any application, writ application or suit regarding the matter in respect of which this application has been made before any Court, or other authority or any other Bench of this Hon'ble Tribunal, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT :

Under the facts and circumstances of the case the applicant prays the following reliefs :-

(i) The Respondents may be directed to dispose of the Appeal/Representations dated 15.1.94, 12.8.98 and 9.12.98 filed before the authority concerned within a reasonable time;

(ii) The Respondents may be directed to release the OTA Bills and Security Money together with interest till date;

AND

(iii) Any other reliefs to which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.

12
- 6(a)

representations dated ~~28-10-99, 22-12-99, 29-09-99~~ and the
subsequent reminder. ~~16-12-99~~ 5-2-94

9.

INTERIM ORDER PRAYED FOR:

Nil.

10.

PARTICULARS OF THE I.P.O.

I.P.O. No. : OC 457700

Date : 3-2-2000

Payable at : Ganthali

11.

LIST OF ENCLOSURES:

As stated in the Index.

Verification.....

7

VERIFICATION

I, Shri Chandra Bhusan Majumdar, son of Late Bibekananda Mazumdar, aged about 70 years, resident of Mariapatti, PO Amingaon, Gauhati-78103, District Kamrup (Assam) do hereby verify that the statements made in this petition are true to my personal knowledge and belief and I verify that the statements made in paragraphs 1 - 2 are true to my knowledge these made in paragraphs 3 - 6 are true to my legal advise and that I have not suppressed any material facts.

And I sign this verification on this 3rd day of February, 2000 at Guwahati.


Chandra Bhusan Majumdar
(Chandra Bhusan Majumdar)

N.F. RAILWAY.

DCS/APDJ's Office,
No. EG/Security/P*II /C Dated. 5.6.68

To

Shri Chandra Bh. Mazumder, CC

Thro: SSM/SM/BCI- OPAN

Sub:- Security deposit of Rs.300/- ✓

You were asked to deposit a sum of Rs.300/- as security money which is required in cases of both temporary or permanent CC's and to furnish the C.R. note particulars etc. under which the amount was deposited vide this office letter of even No. dated. 22.12.64. But nothing has yet been received from you.

You are, therefore, requested to deposit the amounts in question if not already done and furnish the remittance particulars within 7 (Seven) days from the date of receipt of this letter or submit your consent letter to recover the same from your salary @ Rs.30/- p.m. commencing from M.E. 10.7.68 if you are not in a position to deposit in cash.

This is most urgent.

Sd/ Illegible,

District Commercial Superintendent.

N.F. Railway, Alipurduar Junction.

N. F. RAILWAY.

OFFICE OF THE DIVISIONAL RAILWAY MANAGER(P) ALIPURDUAR

JUNCTION

No. EN/222/214(FT/Bill)

Dated. 21.12. 1992.

To

Shri Chandra Bhusan Mazumder,

Maria Patti.

P.O. Amingaon.

Guwahati-781031.

Sub:- Your representation to Pension Adalat.

Please arrange to submit duplicate copy of the OTA journal for the period from 10.1.89 to 10.2.90. duly certified and signed by S.S. concerned for taking necessary action.

Sd/ Illegible,

For Civil. Rly. Manager(P),
Alipurduar Junction.

(hcm 18ii92)

N.F.Railway.

OFFICE OF THE DRM (P) FPJ.

DATE-3-5-93.

No.EN/222/214/(E1) Bill.

To

Sri Chandra Bhusan Mazumder.

Maria Patti.

P.O. Amingaon.

Gauhati-781031.

Sub:- Non Payment of OTA.

In reference to your representation to pension Adolot/92 dated. 10.11.92 , this is to inform you that, your claim for OTA does not come under the persview of pension Adolot.

However as a grievancious of non payment of Arrear OTA the claim is being verified and payment will be made if admissibility is determined.

Sd/ Illegible,

Divisional Rly. Manager.

N.F.Rly. Alipurduar.

11
Annexuree- 4
Date - 15.2.94

From: -C.B.Mazumder,
Maria Patti,
P.O. Amingach
Guwahati-31.

To

DRM(P) APDJ, N. F. Rly.

Sub:-1) Payment of Arrear OTA.

2) Security money of

Sir,

With due respect and humble submission I beg to state that you have informed me vide your letter No. EN/222/214/MT/Bill dt. 3.5.93 that the above mentioned OTA) payment will be made if admissibility is determined. I am to say how much time you will require more come to determination though it is going to pass 9 (Nine) months as per your letter kindly let me know early whether I am entitled to get my legitimate claim or not, If so please arrange payment early. If not I shall bound to go court for ~~fixxx~~ filing a case.

2) Further I beg to draw your kind notice that the above mentioned security money has been deducted from my salary vide Dcs/APDJ's letter No. EO/Security/ Pti/C Dt. 5.6.98. I have ~~extxxed~~ ~~xx~~ ~~xx~~ ~~xx~~ retired from service on 31.5.91 but sorry to say up till now the said money not returned to me. In this connection I wrote a letter with Registered A/D to the name of Sri A.K.Baul DPO/APDJ on 7.11.92 but got no response up till now. I herewith enclose the photostate copy of aforesaid letter which strength the security money has been deducted for your guidance so kindly return the money with interest early;

Under the above circumstances I ~~xxxx~~ hope that your lofty honour will settle the cases early

Attested
P.M.Patti
Dated 2-2-2000