

30/100

5

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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✓  
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SECTION OFFICER (Judl.)

Kalita  
6/12/17

FORM NO.4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWHATI BENCH ::::: GUWAHATI

ORDER SHEET  
Original APPLICATION NO 106 OF 2001

Applicant (s) Hanadham Chakraborty

Respondent(s) U.O.I. Govt.

Advocate for Applicant(s) Mr. M.A. Seikh, Miss A Begum

Advocate for Respondent(s) Railway advocate, B.K. Sharma

Notes of the Registry	Date	Order of the Tribunal
<p>for Rs. 50/- deposited vide IPO/BZ No. 12 F. 643352 Dated 8.1.2001 11e Dy. Registrar 27/3/01</p>	28.3.2001	List it on 25.4.01 alongwith M.P.No.74/2001.  Vice-Chairman
	nkm	
	25.4.2001	List on 25.5.01 for admission to enable the learned Railway Counsel to obtain instructions in the matter.  Vice-Chairman
	nkm	
	25.5.2001	Heard the learned counsel for the parties. The application is admitted. Call for the records. List for orders on 27.6.01.  Vice-Chairman
	nkm	

Requisite docs not yet submitted  
14/6/01

Notices for Respondent  
are yet to be issued.  
19/6/01

29/5/01

27.6.01

Mr.S.Sarma, learned counsel for the respondents, prays for and granted four weeks and no more time to file written statement. Applicant will have two weeks thereafter to file rejoinder.

List on 23-8-2001 for orders.

No. written statement  
has been filed.

By  
22.8.01

Member

Vice-Chairman

bb

23-8-01

List on 24/9/01 to enable the respondents to file written statement.

Vice-Chairman

mb

24.9.01

List on 16/11/01 to enable the respondents to file written statement.

Member

Vice-Chairman

mb

16.11.01

Heard Mr.M.A.Saith, learned counsel appearing for the applicant and Mr.S.Sengupta for the respondents.

Written statement has not been filed so far. List the case for hearing 21.12.2001. In the meanwhile the respondents may file written statement.

Member

No. written statement  
has been filed.

By  
20.12.01

bb

21.12.01

At the request of Mr.S.Sengupta learned counsel for Railway, four weeks time is allowed to file written statement. List on 23.1.02 for hearing.

Member

lm

23.1.02

At the request of Mr.J.L.Sarkar learned counsel for the respondents case is adjourned to 27.2.02 for hearing. None is present for the applicant.

Member

lm

No. wks has been  
filed.

By  
22.1.02.

D.A.106/2001

Notes of the Registry	Date	Order of the Tribunal
<p>No. written statement has been filed.</p> <p><u>30</u> 2.4.02.</p>	27.2.2002	<p>4 for adjournment</p> <p>Request is made on behalf of the applicant. The Advocate for the respondents have no objection.</p> <p>Prayer accepted. List the case for hearing on 3.4.2002.</p> <p>ICU Khan Member</p>
	3.4.2002	<p>bb</p> <p>Mr.M.A.Saikh, learned counsel for the applicant is present. Mr. S.Sarma appearing on behalf of Mr. J.L.Sarkar, learned counsel for the Railways prays for adjournment.</p> <p>It appears that the applicant retired from service on 30.6.1978 and has filed this application for claiming pensionary benefit. The application is not supported by any reliable documents. It is necessary that the respondents file their written statement so that the correct facts of the case <sup>are</sup> known. Since the application was filed before one year the respondents may file the written statement expeditiously.</p> <p>List the case again on 29.5.2001 for hearing.</p> <p>ICU Khan Member</p>
<p><u>8.4.2002</u></p> <p>W/s submitted by the Respondents.</p> <p>BB</p>		<p>bb</p> <p>31/5 - List again on 21/6/2002 for further hearing.</p> <p>ms A.K.S. 31/5</p>
<p><u>5.6.2002</u></p> <p>Reply has submitted by the applicant against the W/s.</p> <p>BB</p>	22/6	<p>List again 5/7/2002 further hearing.</p> <p>ms 21/6</p>

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O.A. 106 of 2002

S.6.2002

25.7.2002

Records submitted  
by the Railway Counsel

*[Signature]*

Request has been made on  
behalf of Mr.M.A.Seikh learned  
counsel for the applicant for  
adjournment. Prayer is accepted.  
List on 16.8.02 for hearing.

*[Signature]*

Member

lm

16.8. Heard Mr M. A. Seikh, learned  
counsel for the applicant &  
Mr. A. Chakraborty, learned  
counsel for the respondent  
(Railway).

Hearing concluded  
Judgment reserved.

*[Signature]*  
16.8.02

23.8.2002

Judgment dtd 23.8.02  
Communicated to the Railway  
Counsel & the applicant

*[Signature]*

bb

Judgment pronounced in Open Court.  
kept in separate sheets. The application is  
dismissed in terms of the order. No costs.

*[Signature]*

Member

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./~~X.A.~~No.....106/2001.....of

DATE OF DECISION.....23.8.2002.....

Sri Haradhan Chakraborty ..... APPLICANT(S)

Md. M.A. Sheikh. .... ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors. .... RESPONDENT(S)

Sri S. Sarma ..... ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (Admn).

U Usher

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 106 of 2001.

Date of Order : This the 23rd day of August, 2002.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Haradhan Chakraborty,  
C/O Sri Sunil Chakraborty,  
IOW Office, N.F.Railway at Jagiroad,  
P.O. & P.S. Jagiroad,  
Dist. Morigaon, Assam

...Applicant

By Advocate Md M.A.Sheikh.

- Versus -

1. The Union of India,  
represented by the Secretary to the  
Govt. of India, Ministry of railways,  
Rail Bhawan, New Delhi.
2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati.
3. The Divisional Railway Manager  
(Personnel), N.F.Railway,  
Maligaon, Guwahati.
4. The Divisional Railway Manager,  
(Personnel), Lumding,  
Dist. Nagaon, Assam.
5. The Permanent Way Inspector,  
N.F.Railway, Jagiroad,  
P.O. Jagiroad,  
Dist. Morigaon, Assam.
6. The Divisional Accounts Officer,  
N.F.Railway, Lumding, P.O. Lumding,  
Dist. Nagaon, Assam

...Respondents

By Advocate Sri S.Sarma.

O R D E R

K.K.SHARMA, ADMN.MEMBER,

This application is filed on 5.1.2001 claiming  
payment of pension with effect from 1.7.1978 with  
interest at the rate of 12% with effect from 1.7.78 to  
the date of payment.

16 Ushar

2. The applicant retired from the service of Railway on 30.6.78. At the time of retirement the applicant was holding the post of Store Clerk. According to the applicant the Railway employees fall under two categories :

(ii) those entitled to pension,

(ii) those not entitled to pension but to State Railway Provident Fund (SRPF).

According to the applicant the applicant was entitled to pension. The applicant's claim of pension <sup>is</sup> based on Document No.1 being letter No.ES/3(Settlement) dated 21.6.78. The letter was addressed to DAO/Lumding and the subject given in the letter was "payment of settlement dues to the retired employees on the first day of each month." In the list enclosed with the letter the applicant's name appeared at serial No.1 and it was mentioned that he was entitled to pension. The applicant has explained the reason for the delay in filing the application in para 4.5 of the application. It is stated that on 10.5.2000 while the applicant was looking into old papers he came across a letter dated 21.6.78 and realised that he has been deprived of his pension. Therefore he made representation for payment of pension. The applicant made representation dated 14.5.2000, 2.6.2000 and 26.6.2000 before the DRM(P), Lumding.

16/6/2000



3. Mr M.A.Sheikh, learned counsel appearing for the applicant has been heard at length. The respondents were have filed written statement and represented by learned counsel Mr A.Chakraborty. In the written statement it is stated that the applicant never opted for pension and he was governed by the State Railway Provident Fund Contributory (SRPF(C) rules. He was paid all the dues as per his entitlement. The Railway Board by Circular No.F(E)/III/97/PNI/Ex.Gr. 15 dated 27.01.1998 gave an opportunity to the SRPF(C) retirees who retired between 1.4.1957 to 31.12.1985 to claim ex-gratia payment of Rs. 600/-p.m. with effect from 1.11.1997. In pursuance to the said circular the applicant applied for the grant of ex-gratia payment and the applicant has been receiving ex-gratia payment at the rate of Rs. 600/- p.m. As the applicant did not opt for pension scheme he is not entitled to pension. The applicant's dues under SRPF(C) have been paid.

4. I have perused the materials filed with the application and with the written statement. The fact is undisputed that applicant retired on 30.6.78. If the applicant was aggrieved against pensionary dues paid to him on his retirement he should have applied for appropriate remedy at the time of settlement of the pensionary dues. The applicant has approached this Tribunal for relief after nearly 23 years of retirement.

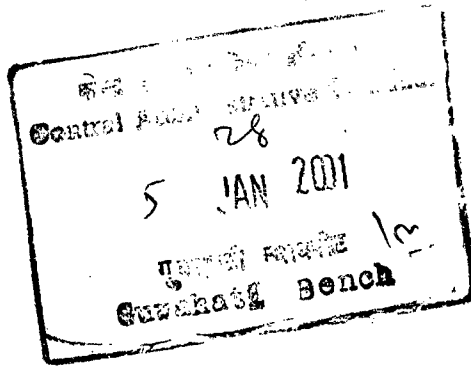
There is inordinate delay in making a claim for the grievance. I am unable to accept the claim of the applicant for relief on account of inordinate delay. The Supreme Court has observed in Ratan Chandra Sammanta and others vs. Union of India & Ors., reported in AIR 1993 SC 2276 as under :

"A writ is issued by this Court in favour of a person who has some right. And not for sake of roving enquiry leaving scope for manoeuvring. Delay itself deprives a person of his remedy available in law."

Therefore, without going into the merits of the case the application is dismissed on account of inordinate delay.

There, shall, however, be no order as to costs.

  
( K.K. SHARMA )  
ADMINISTRATIVE MEMBER



To

The Registrar of the Central Administrative  
Tribunal, Guwahati Bench.

Receipt Slip

Receipt of the application filed in the Central  
Administrative Tribunal, Guwahati Bench by Sri  
Haradhan Chakraborty retired N.F. Railway employee in  
the Ministry of Railway, residing at Jagiroad is hereby  
acknowledged.

For Registrar  
Central Administrative Tribunal,  
Guwahati Bench.

Haradhan Chakraborty

Application under Section 19 of the  
Administrative Tribunals Act; 1985.

Title of the Case :-

O.A. 106/2001

I N D E X

Sl.No.	Descriptions of documents relied upon.	Page No.
1.	Application	1-8
2.	document no-1	9-11
3.	" " 2	12
4.	" " 2A	13
5.	" " 2B	14-203
6.		

For use in Tribunal's Office      Signature of the Applicant

Date of filing

or

Date of receipt by Post

Registration No.

Signature  
for Registrar

Hare Cha Chatterjee

appellant  
Filed by me. Petitioner  
through  
2  
Aswina Begum.  
Adv.  
5-1-2001

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DISTRICT : MORIGAON (ASSAM).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:::GUWAHATI BENCH.

Sri Haradhan Chakraborty  
S/o Late Rangalal Chakravarty,  
C/o Sri Sunil Chakravarty  
IOW Office, N.F.Railway at Jagiroad,  
P.O. & P.S. Jagiroad,  
District - Morigaon, Assam.

... Applicant.

-Versus-

1. The Union of India,  
Represented by the Secretary to the  
Govt. of India, Ministry of Railway,  
Rail Bhavan, New Delhi.
2. The General Manager,  
N.F. Railway, Maligaon,  
Guwahati.
3. The Divisional Railway Manager  
(Personnel), N.F. Railway, Maligaon,  
Guwahati.
4. The Divisional Railway Manager  
(Personnel), Lumding, District-Nagaon,  
Assam.

*Haradhan Chakraborty*

5. ...

5. The Permanent Way Inspector,  
N.F.Railway, Jagiroad,  
P.O. Jagiroad, District - Morigaon,  
Assam.

xxx

~~Respondent~~

6. The Divisional Accounts Officer,  
N.F.Railway, Lunding, P.O. Lunding,  
District - Nagaon, Assam.

...

Respondents.

DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made :-

An order under No.LMG/PF/FS/419/78 dated Lunding, the 14.6.78 passed by the Divisional Accounts Officer, N.F.Railway, Lunding to the Sr.D.P.O. whereby S.R.P.F. Contribution accounts of the appellant was closed and the balance with interest amounting to Rs.9,598/- was paid to the appellant.

2. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the tribunal.

3. Limitation :-

The applicant further declares that the application is within the limitation period prescribed

*Banu Cha Chakraborty*

in ...

14/5/21c  
2/6/21c Rep.

16.2.45 Join as Khalasi @ Rs 22/-  
promoted as Store Clerk

30.6.1978 Retired & he was drawn  
Salary Rs 330 P.M.

On Superannuation

Rs 9,598 paid as SRPF

in Section 21 of the Administrative Tribunals Act,  
1985.

1997

A petition for Ex Gratia payment

4. Facts of the case :-

30/6/78 Retd.  
16/2/45  
33

(i) That the applicant was appointed on 16-2-45 as Khalashi under the N.F. Railway and was posted at Pandu in the office of the Inspector of Works Water Supply. In 1948 he was transferred to Lumding, in 1949 he was transferred to Chapamukh and while working at Chapamukh he was promoted to the post of Store Clerk. In 1950, he was again transferred to Jagiroad, in 1960 he was transferred to Pandu in 1961. he was transferred to Lumding, in 1963, he was transferred to Bongaigharh in 1968 he was transferred to Lumding, in 1974 he was transferred to Jagiroad and posted in the office of Permanent Way Inspector he continued there upto 30-6-78 from that date he retired from service. At the time of appointment he received an amount of Rs. 22/- P.M. as salary and at the time of retirement he draw last salary at Rs. 330/- P.M. He served for 30 years. His service was regular and confirm by the Railway.

Store Clerk

State Railway Provident Fund (Contributory) Rules

(ii) That immediately before his retirement on 30-6-78 the N.F. Railway prepared a statement of employees along with the applicant who would retire from service on 30-6-78. In the said statement the statements of 64 employees were prepared. In the statements the employees

Harn Chandra Chakraborty

were ...

SRPF

were divided into two categories, one category who were entitled to get pension and another category who were not entitled to pension but to SRPF only. The statement shown against the name of the employee the ward 'PENSION' who are entitled to pension and against the name of others SRPF are shown. Against the name of the applicant pension was shown, so, it clearly proves that the applicant is entitled to pension. The Deputy Superintendent (Personnel) wrote a letter under No. ES/3 (Settlement) dtd. 21-6-78 to the Divisional Account Officer, Lumding requesting him to instruct DPM-Lumding to ensure that all the payment of settlement, dues were made to the retire staff on the first day of July, 78. The Divisional Account Officer, Lumding annexed a copy of the aforesaid statement with his letter dtd. 21-6-78.

(iii) That though the applicant was entitled to pension but the N.F. Railway wrongly paid SRPF contribution to the petitioner and an amount of Rs. 9,598/- was paid to him as SRPF Contribution after his retirement.

(iv) The applicant read upto Class-VIII and he was unable to understand at that stage as to whether he was entitled to pension or only SRPF contribution. As the concerning Divisional Accounts Officer of N.F. Railway made him understand that he was entitled to SRPF, So, as an humble employee he accepted the same.

Hara Cha Chakraborty

(v) ...



(v) That the applicant on 10th of May, 2000 was ~~x~~ looking into the old papers in connection of his land documents and railway passes granted to him. In the process he found the aforesaid statement of the N.F. Railway where he was categorised to get pension. After going through the papers the applicant only on 10th of May, 2000 came to know that the N.F. Railway deprived him from his pension. Then he started to think about the means how he could get his pension and on 14.5.2000 the applicant filed an application before the Divisional Railway Manager (Personnel) Lumding, N.F. Railway and prayed to him to pay pension to the applicant. But the DRM (P), Lumding did not take any action on the application of the applicant. The applicant again filed another application dtd. 2-6-2000 to the said Railway authority and requested him to grant pension to the applicant. But the N.F. Railway did not do anything on his second application too. Thereafter the applicant filed another application dtd. 26-6-2000 to the said authority and requested him to grant pension to the appellant. In the said application dtd. 26-6-2000 the said applicant also informed the authority that if he was not granted pension then he would have no alternative remedy but to take shelter of law. Till date the authorities did not dispose of the application of the applicant and the applicant is not granted pension, he is entitled to.

5. Grounds for relief with legal provisions :-

(i) For that the applicant is entitled to pension under the law and as per the statement prepared

*Hare Char Chakraborty*

by ...

by the N.F. Railway for the employees who retired from service on 30-6-78.

6. Details of remedies exhausted :-

(i) The applicant filed three representations before the Divisional Railway Manager (P), Lunding detail of which is given below -

(i) Application dtd. 14.5.2000, to grant pension to the applicant. The said application is pending till date.

(ii) An application dtd. 2-6-2000 to grant pension to the ~~xx~~ applicant which is also pending till date.

(iii) An application dtd. 26-6-2000 to grant pension to the applicant which is also pending till date.

7. Matters not previously filed or pending with any other court :-

The applicant further declares that he had not previously filed any writ petition or suit, regarding the matter in respect of which this application has been made, before any court or any other Bench of

Hara Chan Chakraborty the ...

the Tribunal nor any such writ petition or suit is pending before any of them. The applicant filed applications dtd. 14-5-2000, 2-6-2000, and 26-6-2000 before the DRM(P) Lunding which are pending till date.

8. Reliefs sought :-

In view of the facts mentioned in para 6 above the applicant prays the following reliefs :-

(i) The N.F. Railway may be directed to give pension to the applicant with effect from 1-7-1978.

(ii) The N.F. Railway may be directed to pay interest at the rate of Rs.12% on the arrear pension amount accumulated from 1-7-78 till payment of the same.

(iii) Any other relief or reliefs which the applicant may be entitled under the law in the interest of justice.

9. Interim order if any prayed for :-

Pending final decision on the application, the applicant seeks the following interim relief -

(i) The N.F. Railway may be directed to pay an amount of Rs.50,000/- as interim pension till final decision in this case.

*Hare Char Chakraborty*

- 8 -

10. Not applicable.

11. Particular of postal order filed in respect of the application fee.

12. List of enclosures :-

- |   |                 |
|---|-----------------|
| (i) Copy of letter dtd. 21-6-78 from the DAO/Lumding                  | - 1 No.         |
| (ii) Copies of representations dtd. 14-5-2000, 2-6-2000 and 26-6-2000 | - 3 Nos.        |
| (iii) Copy of provisional seniority list                              | - 1 No.         |
| <b>Total</b>  | <b>- 5 Nos.</b> |

#### VERIFICATION

I, Sri Haradhan Chakraborty, S/o Late Rangalal Chakraborty, aged about 85 years, retired as Store Clerk, N.F. Railway, resident of Jagiroad do hereby verify that the contents of paras 1, 2, 4, 6 and 7 are true to my personal knowledge and paras 3, 5, 8 and 9 are believed to be true on legal advice and that I have not suppressed any material fact.

M.P. 74/2001 - Mt 25.5.01  
Delay - condoned

Date :- 5-1-2001

*Haradhan Chakraborty*

Place :- Guwahati

Signature of the applicant.

*Haradhan Chakraborty*

No.ES/3(Settlement).

DS(P)'s office/Lumding  
Dt. 21/6/78.

DAO/Lumding.

Sub :- Payment of settlement dues to the retired employees on the first day of each month.

In terms of Joint Accounts and Personnel Branch circular in connection with expeditious disposal of the settlement cases, the retired employees are advised to attend office to receive their payment of settlement dues on the first day of the month which is discontinued for the month of July (i.e. payment on 1-7-78) on account of various difficulties.

To expedite easy disposal, it is requested that the payment of settlement dues to the retired employees be made by the Pay clerk on the first day of July/78 in presence of respective Senior subordinates.

In view of the above, you are hereby requested to instruct DPM - Lumding to ensure that all the payment of settlement dues are made to the retired staff on the first day of July/78.

A list of staff who will retire from service w.e.f. 1.7.78 (F.N.) on superannuation and whose settlement case have already been submitted to your office for arranging payment of their settlement dues is sent herewith vide Annexure.

DA/As above.

Sd/- Illegible  
21.6.78

For D.S. (P)/Lumding.

Copy for information to :-

1. CIWI & SIWI/FS/Lumding.
2. DPM/Lumding.
3. Staff concerned.

Sd/- Illegible  
21.6.78

for D.S. (P)/Lumding

*Harvee Cha Cha Kumbaf*

S/No.	Name, Designation and station.	Date of retirement	P.I.No.
<u>Sarbashri.</u>			
1.	Haradhan Chakraborty, Store Clerk/JID	30.6.78 (AN)	22889 (Pension)
2.	Hariprasad, Chowkider under IOW/S/LMG	-do-	49872 (-do-)
3.	Surendra Das, Mate under PWI/GHY	-do-	57638 (SRPF)
4.	Nazir Ali, Keyman under PWI/GHY.	-do-	46651 (SRPF)
5.	Kistoo Hathi, Keyman under PWI (P) /LMG	-do-	52687 (SRPF)
6.	Bagiram, Mate under PWI/JID.	-do-	46968 (SRPF)
7.	Haricharan, G/Man under PWI/JID.	-do-	50278 (SRPF)
8.	Bijalu, Keyman under PWI/NOG.	-do-	52699 (SRPF)
9.	Danish, G/Man under PWI/GHY.	-do-	46691 (SRPF)
10.	Paban Biswas, Gharami under IOW/N/LMG.	-do-	23384 (Pension)
11.	Gopi Mohan Paul, Sr. Clerk under DEN/III/LMG	-do-	88814 (Pension)
12.	Satish Mitra, G/Man under PWI (P) LMG	-do-	58909 (SRPF)
13.	K.K. Das, Fitter/LRS/LMG.	-do-	51929 (Pension)
14.	M.M. Das, BM/Mistry/Locoshed/LMG.	-do-	6521/33418 (Pension)
15.	Kutumani Nath, Fitter/Locoshed/BPB	-do-	13996 (-do-)
16.	Prakash Ch. Datta, Fitter/Loco Shed/NGC	-do-	25203 (-do-)
17.	J.C. Das, Fitter Mistry/Loco Shed/CPK.	-do-	6517 (-do-)
18.	K.C. Das, A/Plant/Loco Shed/NGC.	-do-	16585 (-do-)
19.	N.G. Dey, Driver/BPB.	-do-	6999 (-do-)
20.	B.N. Sengupta, Driver/LMG	-do-	5190 (-do-)
21.	B.B. Deb Roy, Sr. Clerk/DME/LMG.	-do-	9343 (-do-)
22.	P.B. Mazumder, BT Fitter/LMG Carr:	-do-	27806 (SRPF)
23.	S.R. Ghose, C/Fitter/LMG.	-do-	277751 (Pension)
24.	M.C. Datta, C/Fitter/NGC.	-do-	28213 (-do-)
25.	A.B. Naha, C/Fitter/LMG.	-do-	27752 (-do-)
26.	S. Sengupta, Fitter/BPB Shed.	-do-	51787 (-do-)
27.	Baloo, C/Fitter/NGC.	-do-	15683 (-do-)
28.	F.C. Kalita, C/Fitter/GHY.	-do-	16847 (-do-)
29.	Tarini Ch. Das, Carpenter/CTXR/GHY.	-do-	13752 (-do-)
30.	Aswini Kr. Dey, C/Fitter/LMG.	-do-	15685 (-do-)
31.	J.K. Seal, Painter/LRS/LMG.	-do-	7114 (-do-)
32.	Jahir Lal, Carpenter/LRS/GHY.	-do-	7098 (-do-)
33.	J.M. Singh, Callman/Loco Shed/A NGC.	-do-	16079 (-do-)
34.	C.M. Das, Driver/LMG.	-do-	7089 (-do-)
35.	S.B. Gupta, Hd. Clerk/DME/LMG.	-do-	3254 (-do-)
36.	M.K. Mazumder, LI/LMG.	-do-	9504 (-do-)
37.	R.K. Nath, ALF/NGC.	-do-	6974 (-do-)
38.	J. Balmiki, S/Cleaner/LMG under CHI/LMG.	-do-	102496 (-do-)
39.	Rakhal Mali, Jdr. under CHI/LMG.	-do-	41324 (Pension)
40.	H.K. Das, HA/LMG. under MS/LMG.	-do-	41420 (-do-)
41.	J. Singh, Chowkider under MS/LMG.	-do-	11445 (-do-)
42.	Rabi Singh, M/Man under AMO (Mal) /LMG.	-do-	68101 (-do-)
43.	H.P. Paul, L/man under SI/LMG.	-do-	11775 (-do-)
44.	P.C. Shyam, MSM under SI/LMG.	-do-	10139 (SRPF)
45.	M.S. Choudhury, Sr. TNC/NGC.	-do-	32680/95540 (Pension)
46.	H.H. Chakraborty, Sr. TNC/GHY	-do-	19435 (-do-)
47.	H.H. Jesuara, HPLM/TFC Workshop/LMG.	-do-	18906 (-do-)
48.	K.C. Majumder, CCC/SCL.	-do-	14771 (-do-)
49.	Satish Ch. Bhattacharjee, Stg. JDR/LMG.	-do-	11961 (-do-)
50.	B.M. Debnath, T/Peon/LMG	-do-	14828 (-do-)
51.	J. Sahamri, Markman/GHY.	-do-	56738 (-do-)
52.	M.L. Biswas, Dak. Courier/DCS/LMG.	-do-	19665 (-do-)
53.	R.R. Das, Gateman/PNO.	-do-	48696 (-do-)
54.	R.K. Chakraborty, Duftry/DCS/LMG.	-do-	13791 (-do-)

*Haradhan Chakraborty*

Contd.....

- 3 -

55. B.B.Malakar, Ga <del>xxx</del> A)/BPB.	30.6.78(AN)	32513(Pension)
56. B.L.Dey, Peon/BPB.	-do-	3957 (-do-)
57. G.C.Borah, AYM/LMG.	-do-	18857 (SRPF)
58. B.M.Talukder, W.R.Bearer/SCL	-do-	3849/31902 (SRPF)
59. M.Kargupta, ATI (W)/LMG.	-do-	16893(Pension)
60. B.Koach, Porter/BEE.	-do-	19195(-do-)
61. D.Baishab, Porter/RXPX	-do-	166429 (-do-)
62. Dango Tundoo, Porter/HJO	-do-	41233(SRPF)
63. A.L.Das, R/Porter/LMG	-do-	15508(Pension)
64. Dewnandan, Porter/FUP	-do-	41001(CRPF)

- x -

Hare Ma Chakraborty

Document No. 2

To,

DRM(P)/Lumding,  
N.F. Railway.

Sub :- Sanction of my Retirement Pension.

Sir,

With due respect, I beg to lay the following few lines for your kind consideration and favourable order.

That Sir, I retired from the Rly. Service as a Store clerk under PWI/Jagiroad on and from 30/6/1978(AN) Vide DS(P) Lumding Letter NO ES/3(Settlement) dt. 21/6/78 and one list of Retired Employ was enclosed with the letter where in under Sl.No. (ONE) that is in my name there is mention of Pension and I was in title to get pension. But is was my illluck that I was deprived the grant of my pension by Ply administration. Therefore I would request you honour to look into the matter and sanction my pension at an early date.

Yours faithfully,

Sd/- Illegible  
14.5.2000

Copy to : N.R.M/Lumding for consideration.

Yours faithfully,

- x -

Haru Cha Chakraborty



To,

Shri S.N.Roy,  
DPO/Lumding, N.F.Rly.

Sub :- Sanction of my Retirement Pension.

Sir,

With due respect & humble submission, I beg to inform you that I had sent one appeal letter address to you for sanction of my retirement Pension. But it is regret to say that no response received from your end.

Therefore, I request you again to look in to the matter and consider my case. I hope that I will get the reply at an early date.

Enclo : One copy of an appeal  
letter list of Retirement letter.

Yours faithfully,  
Haradhan Chakraborty  
Ex.S/Clerk  
Jagiroad  
2.6.2000

- x -

Haradhan Chakraborty

From :-

Haradhan Chakraborty,  
Ex-Store Clerk  
Under SSE(P.way)/JID.

To,

DRM(P),  
N.F.Rly./Lumding.

Sub :- Deprival from Pensionary benifit after  
retirements on 30-6-1978.

Ref :- My previous application dt. 14.5.2000.

In reference to the above, I beg to state that  
no action or reply has been received by me in spite of  
repeated persualtion in Order to fix up my Pension as per  
my option at the time of retirement vide DS(P)Lmg's letter  
No.ES/3(settlement) Dt.2/6/78 SR No.1.

So, I will be highly obliged if you kindly  
review my case and arrange to fix up and pay pension as per  
rule to maintain old age livelihood, otherwise I have no  
other alternative but to take shelter of law.

Yours faithfully,

Sd/- Haradhan Chakraborty  
26.6.2000

*Haradhan Chakraborty*

-15-

N.E. Railway.  
Provisional Seniority List of Jr. Clerk, T.K. and Store Clerk under  
DEN/Landing as on 1.1.67.

Jr. Clerk	-	3	P	7
T.K.	-	10	CH	
		4 IR	W/C	1
S.C.	-	9	1	" 4
		2 IR		
		31 + 2 + 5		

S. No.	Name	Designation & Stn.	Date of birth.	Date of Apptt.	Date of posting as Clerk or TK or Store Clerk	Date of Approval	Cfd. or Offg.	Remarks.
1	2	3	4	5	6	7	8	9
1.	S. D.N. Saikia,	Clerk/DEN-LMG	1.8.23.	23.6.48.	25.6.48. as Clerk		Cfd. as clerk	Offg. Sr. Clerk.
2.	R.K. Roy Chowdhury, T.K./PWL-JID		31.3.17.	20.2.44.	22.9.48 as as S.T. T.K.		Cfd. as T.K.	Offg. Sr. Clerk T.K. under T-JID.
3.	K.C. Bhattacharya, Clerk/DEN-LMG		1.2.26.	5.10.48.	5.10.48. as clerk Clerk.		Cfd. as Clerk	Offg. Sr. Clerk.
4.	P.N. Chowdhury, T.K./PWL-DIV		17.9.15.	17.9.38.	17.11.51 as as T.K. as T.K. 21r & 1.6.43 S.T.		Cfd. as T.K.	Offg. Sr. T.K. under PWL-DIV.
5.	M.L. Dey,	T.K./DEN-LMG	29.11.22.	29.11.4.	10.3.52. as as S.T. T.K.		do-	
6.	D.C. Dutta,	T.K./PWL-DIV	28.4.19.	28.12.4.	as 6.6.52. S.T. as T.K.		do-	
7.	R.L. Deb Barman,	T.K./PWL-NOG.	3.2.24.	25.1.44.	5.5.53. as as S.T. T.K.		do-	
8.	M.R. Paul,	T.K./PWL-DIV.	10.9.25.	25.3.41.	15.5.53 as S.T. as T.K.		do-	
9.	K.P. Bhattacharya, T.K./PWL-DIV		25.12.20	16.3.44.	21.10.53. as as Tape T.K. Reader. 14.12.4 as as S.T.		do-	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
9.	Sri M.R.Dey,	Plg. TK/ADM GHY.	1.2.25.	20.3.44. as S.T.	30.11.53. as S.T.		
10.	Sri P.C.Chatterborty,	Plg. TK/ADM GHY.	13.3.15.	16.7.44. as Khelasi 16.1.45 as S.T.	24.7.53. TK 30.11.53.		
11.	" K.P.Biswas,	Plg. TK/ADM GHY.	7.6.26.	1.8.44 as R/sorter. 16.1.45 as S.T.	15.7.53 as S.T. 30.11.53.		
12.	" S.R.Ganguly,	Clerk/DEN-IMG.	1.7.29.	23.5.55 as Clerk.	23.5.55. as Clerk.	Ord. as Clerk	Offg. Sr. Store Clerk under CM(P)NG.
13.	" K.Bera,	Clerk/DEN-IMG.	1.12.32.	10.6.55. as Clerk.	10.6.55. as Clerk.	—NO—	Offg. Sr. T.K. under CM(P)NG.
14.	" C.R.Dey,	Clerk/DEN-IMG.	2.2.35.	3.9.55. as Clerk.	3.9.55. as Clerk.	—NO—	Offg. Sr. Clerk/DEN-IMG.
15.	" S.R.Dey,	TK/PML-JLD.	31.12.27.	27.2.48 as Welder helper.	27.2.57 as S.K.	Ord. as S.K.	He has passed the ability test of S.T. against 12th standard.
16.	" S.C.Sarkar,	TK/ADM GHY. as of 3. 5.5.55. as S/Clk. DEN-IMG.	1.1.21.	1.8.42. as Tindal and 9.10.55. as S/Clk.	13.5.57. as S/Clk.	Ord. as T.K.	Offg. Sr. Clerk S/Clk. DEN-IMG.
17.	" R.R. Das,	Clerk DEN/IMG.	1.1.32.	1.8.42. as Tindal and 9.10.55. as S/Clk.	22.5.57. as S/Clk.	do	
18.	" A.C.Majumder,	Clerk DEN/IMG.	1.10.34.	22.7.57. as Clerk.	22.7.57. as Clerk.	Ord. as Clerk.	Transferred from L.S. due to administrative ground.
19.	" P.K.Dey,	Clerk DEN/IMG.	1.1.32.	18.11.58. as Clerk.	18.11.58. as Clerk.	Ord. as Clerk.	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
45. Sri Monoranjan Dutta,	Store Clerk AICW/JID	12.7.53.	13.7.55.	15.10.63.	5.10.65.	10.12.65.	Cfd. as W/Man.	
46. " Samarandra Lal Chakraborty,	Store Clerk PIL-ST-100	8.3.54.	22.2.57.	6.2.64.	5.10.65.	12.12.65.	Cfd. as Khalasi.	
46.91 B. C. Das Gupta,	Clk/PD/108	1-8-58.	15-2-64	15-2-64				
47. " Nitendra Chakraborty,	Store Clerk AICW/JID at PNO	12.7.53.	12.7.55. as Khalasi.	20.4.65.	11.4.65.		-do-	as has passed the suitability test of TK/000 in scale K.12 180/- held on 11.4.64. with DEN/IMG's No. 15 1 of 20.4.65.
48. " Samarandra Lal Chakraborty,	Store Clerk PIL-ST-100	8.3.54.	22.2.57.	6.2.64.	5.10.65.	12.12.65.	Cfd. as Khalasi.	
49. " Narayan Mitra Majumder,	-do-	5.11.35.	11.10.55.	23.4.65.	-do-	-do-	Cfd. as Khalasi.	
50. " Rashendra Kr. Chowdhury,	Store Clerk DEN/IMG.	8.12.38.	10.12.55. as Tape reader.	15.7.65.	-do-	-do-	Cfd. as Tape reader.	

NO. E/255/A dated 11/1967.

Copy to Staff Concerned for information. Any representation which the staff may desire to make regarding their position in the seniority list should be submitted to this office within one month from the date of issue of this letter. No action on any representation made by this office by the staff after expiry of said period.

Copy to General Secy./NFRM/IMG with 5 spare copies for information.  
Copy to General Secy./NFRM/PNO with 5 spare copies for information.

Dist. 5 spare copies  
for union concerned.

District Engineer  
Landing.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
36. Sri M.L. Majumder,	Store Clerk, PWI(P)LMG.	18.6.27.		15.5.48.	28.5.58.	7.11.57. as Cfd. as
37. U.P. Bhattacharya,	Store Clerk, AIOW/L/LMG.	9.12.29.		16.2.51.	29.5.53.	7.11.57. -do-
38. Bhattacharya,	Store Clerk, a PWI-NOG.	18.11.25.		20.12.47.	12.10.59. S/c	15.6.59. Cfd. as
39. Banerjee,	Store Clerk, now under CE/PNO.	13.8.26.		16.11.48.	14.10.59. S/c	15.6.59. Cfd. as
40. H.D. Chakraborty,	Store Clerk, now Store Clerk under IOW/S.M./DMV.	4.6.20.		16.2.51.	9.10.59. S/c	15.6.59. Cfd. as
41. Subash Chakraborty,	Store Clerk(IR) N-LMG.	15.9.21.		15.9.47.	15.10.59. S/c	15.6.59. Cfd. as
42(a) Dilip Kanti Chowdhury,	Store Clerk, PWI(P)LMG.	1.12.44.		1.9.50.	16.8.55. S/c	Offg. He was app- as store G- directly by CE/P/PNO.
42. Haripada Roy,	Store Clerk, IOW/CPK.	1.1.32.		2.2.53.	3.2.64.	5.10.63. - 10.12.63. He has pass- the suitable- test of store man in scale 1.105-135/- on 5.10.63. & 10.12.63. with PWI/LMG's as 2/c 1(Result) on 17.12.63.
43. Jayanta B. Chakraborty,	Store Clerk, IOW SY/LMG.	2.1.32.		1.6.53. as	50.1.64.	-do-
44. Mridul Kanti Chowdhury,	Store Clerk, PWI/JID.	7.6.32.		1.6.53.	12.9.65.	-do- Cfd. as Khalasi.

P2.

Name	Designation	Dt. of birth	Dt. of apptt.	Dt. of promotion to the grade	Dt. of approval	Confid. or Offg.	Remarks.
1. Sri A.C. Majumdar	Clerk DEN/IMG	1.10.34	27.7.57 as Clerk	22.7.57	Confid.	Confid. as Clerk	Transfer from C.E. Office on administrative ground.
5. Sri D.K. Dey	do	1.1.52	18.11.58	18.11.58	nn	Confid.	
3. Sri P.N. Samanta	Clerk DEN/GHI	1.4.57	18.11.58	18.11.58	nn	Confid.	
2. Sri M.L. Bose	do	10.3.25	2.11.49 as Typist in DGO/	28.11.59	TNO Office	-do-	
			15.3.55 as Store clerk			-do-	
18. Sri D.N. Ghose	TK/FI/BGG	1.7.30	1.4.48 as S.T.	27.4.52 as TK	28.7.57	Confid. as TK	Assumed service given to the extent of his junior.
19. Sri G.D. Chakraborty	TK PWI/ECG Landing	10.11.26	17.10.44 as C/Men &	25.1.60	-do-	Confid. as S/C	
			21.10.48 as S/C				
10. Sri B. Banerjee	TK TOW/CPK	1.2.39	19.7.52 as Clerk	12.7.53		Confid. as TK	

Cont'd...(P/3)

Provisional seniority list of clerk/T.K./Store clerk in scale Rs. 110-180/- under P.W.D. on 1.4.72

S/N	Name	Designation & Station	DD of appointment	DD of promotion	DD of seniority	Remarks
1	1.1.1.1	CLERK, CIVIL SUPPLY	29.11.45	as Sd/-	10.5.52	
2	2.2.2.2	CLERK, CIVIL SUPPLY	28.12.43	as	8.2.54	
3	3.3.3.3	CLERK, CIVIL SUPPLY	25.1.44	as	5.5.53	
4	4.4.4.4	CLERK, CIVIL SUPPLY	25.3.44	as	16.5.53	
5	5.5.5.5	CLERK, CIVIL SUPPLY	16.5.44	as T/...		
6	6.6.6.6	CLERK, CIVIL SUPPLY	16.12.44	as Sd/-	21.10.53	
7	7.7.7.7	CLERK, CIVIL SUPPLY	20.6.44	as	30.12.53	
8	8.8.8.8	CLERK, CIVIL SUPPLY	1.3.44	as P/Super	11.11.56	
9	9.9.9.9	CLERK, CIVIL SUPPLY	16.1.44	as Sd/-	30.1.57	
10	10.10.10.10	CLERK, CIVIL SUPPLY	21.1.54	as Sd/-		
11	11.11.11.11	CLERK, CIVIL SUPPLY	10.6.55	as	10.6.55	
12	12.12.12.12	CLERK, CIVIL SUPPLY	3.9.55	as	10.9.55	
13	13.13.13.13	CLERK, CIVIL SUPPLY	27.2.48	as		
14	14.14.14.14	CLERK, CIVIL SUPPLY	1.8.44	as T/...		
15	15.15.15.15	CLERK, CIVIL SUPPLY	8.10.53	as Sd/-		
16	16.16.16.16	CLERK, CIVIL SUPPLY	8.10.53	as T/...	22.3.57	
17	17.17.17.17	CLERK, CIVIL SUPPLY				

Service levelled down to the extent of 10% seniors

CLERK - CIVIL SUPPLY

CLERK, CIVIL SUPPLY



(2/3)

1. 1st Lt. ... 1/10/65 ... 10/5-25

5 15 0000

0000

2. 1st Lt. ... 1/10/65 ... 10/5-25

9/6

3. 1st Lt. ... 1/10/65 ... 10/5-25

5 15 0000

4. 1st Lt. ... 1/10/65 ... 10/5-25

0000

5. 1st Lt. ... 1/10/65 ... 10/5-25

5 15 0000

6. 1st Lt. ... 1/10/65 ... 10/5-25

5 15 0000

7. 1st Lt. ... 1/10/65 ... 10/5-25

0000

8. 1st Lt. ... 1/10/65 ... 10/5-25

5 15 0000

7 11 57

0000

0000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
26.	Sri P.C.Das,	Clerk/DEN-IMG.	1.5.1928.	7.5.48. as Watchman.	25.9.53. as Store Clerk		Cld. as S/ Clerk.
27.	" C.R.Dey,	Store Clerk/ ION-IMG.	22.12.25.	12.6.48. as W/Man.	1.11.63. 24.3.55. as Store Clerk.		do.
28.	<del>Sri N.N.Chakraborty,</del>	<del>Store Clerk/ ION-IMG.</del>	<del>22.12.25.</del>	<del>20.5.48. as W/Man.</del>	<del>20.9.57. as Store Clerk.</del>		<del>Cld. as S/ Clerk.</del>
28.	Sri N.N.Chakraborty,	Clerk/DEN-IMG.	-	11.12.50. as W/Man.	23.3.57. as Store Clerk.	26.11.55.	Cld. as S/ Clerk.
29.	" S.Dose Roy.	Store Clerk under PWI/JID.	5.5.26.	5.10.48. Tape reader.	19.9.57. as Store Clerk	27.5.57.	Cld. as S/ Clerk.
30.	" A.C.Bhattacharjee,	Store Clerk PWI/JID.	11.29.	7.12.50. as W/Man.	20.9.57. as Store Clerk		Cld. as S/ Clerk.
31.	" N.P.Sen Gupta,	Store Clerk PWI/NOG.	1.7.28.	20.11.48. as W/Man.	23.9.57. as Store Clerk	27.4.57.	Cld. as S/ Clerk.
32.	" <del>Sri N.N.Chakraborty,</del>	<del>Store Clerk (IR) ION/IMG.</del>	<del>20.5.20.</del>	<del>20.5.45. T/reader.</del>	<del>20.5.45. as Store Clerk</del>	<del>27.5.57.</del>	<del>Cld. as S/ Clerk.</del>
33.	" G.Basak.	Store Clerk PWI/DMV.	16.3.25.	1.4.51. as Wayman.	10.2.58. as Store Clerk	11.57.	Cld. as S/ Clerk.
34.	" A. Chakraborty,	Store Clerk AIG/NAV.	15.7.31.	15.9.51. as W/Man.	10.2.58. as Store Clerk	7.11.57.	do.
35.	" D. Dey,	Store Clerk (D.F.) AIG/JID.	31.1.29.	23.1.49. as Wayman.	31.5.58. as Store Clerk	7.11.57.	do.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
20	S. P. N. Sanna,	Clerk/AEN-CHY.	1.4.37.	18.11.58.	18.11.58. as Clerk.	-	Cfd. as Clerk.	-
21	L. Dose,	Clerk-AEN/LMG.	10.3.25.	3.11.49. as Typist in DPO/PNO's office & 15.3.55. as S/Clerk.	28.1.59.	-	-do-	He has passed the suitability test of Clerk against 105 vacancy.
22	D. H. Ghose,	TK/APWL-PNO.	1.7.50.	1.4.48. as S.T.	27.4.62. as T.K.	27.7.59. & 28.7.59.	Cfd. as	He has passed the suitability test of T.K. in PS Rs. 60-130/- held on 27.7.59. and 28.5.57. vide DEN/LMG No. R/266/1 of 1/5.
23	G. D. Chakraborty,	TK/PWL-NOG.	10.11.26.	17.10.44 as G/man & 21.10.48. as S/Clerk.	4.3.60. as T.K.	-	Cfd. as S/clerk.	He has passed the suitability test of T.K.
24(a)	J. C. Das,	TK/NO AION-LMG.	1.11.26.	22.12.52. as S/clerk.	22.12.52.	-	Cfd. as S/clerk.	-
25	N. G. Das,	T.K./AION-LMG. and now under DEN-MLDT.	15.3.25.	4.2.44. as Khalasi 21.7.47. as S/clerk.	22.12.52. 18.11.60. as T.K.	-	-do-	He has passed suitability test of T.K. on 27.6.57.
26	H. H. Banerjee,	TIC/NO-PNO.	1-2-39.	17.5.45. as Khalasi.	19-7-62. 13.11.63.	-	-	Appointed as Clerk on 30/6/62. No. 6702/2/60 (Rev) 2-9-52.
27	Sri P. L. Majumder,	Store Clerk (IR) under AEN/CHY.	13.2.24.	17.5.45. as Khalasi.	13.11.63. as Store Clerk in Scale Rs. 110-180/-	-	Cfd. as S/Clerk.	-
28	H. D. Bhattacharjee,	Store Clerk under APWL/PNO.	23.11.23.	23.6.48. as Store Clerk.	23.6.48. 1.11.63. As Store Clerk in scale Rs. 110-180/-	-	-do-	-

In The Central Administrative Tribunal  
Guwahati Bench :: Guwahati.

O.A. NO. 106/2001

Sri H. Chakraborty

- Vs. -

Union Of India & Ors.

In the matter of

Written Statement on behalf of  
the respondents.

The respondents in the above case most  
respectfully beg to state as under :

1. That the respondents have gone through the original application and have understood the contents thereof.
2. That the respondents do not admit any statement except those which are specifically admitted in this written statement. Statements not admitted are denied.
3. That before traversing the parawise statement of the original application the respondents beg to state the brief history of the case as under:

That the applicant retired from service on 30.6.1978. He was a store clerk i.e. ministerial staff under IDW/Jagiroad. The applicant never opted for pension and hence he was governed by State Railway Provident Fund Contributory (for short SRPF(C)) rules. As a SRPF(C) retiree he was paid all the dues as per his entitlement. It

SRPF

State Railway Provident  
Fund Contributory

21(2)  
took all his dues in 1978  
SRPF - 9.3.98 -  
on that basis applied - S.P.U.  
He is drawing that ex-gratia

Did not opt for  
pension scheme  
SRPF was  
freely paid

36  
Jitalegga Rabla  
F. left by the respondents  
through P. Chakraborty  
8/4/2002

*Initials*

worthy mentioned that Railway Board by circular no. F(E)/III/97/PN1/Ex.Gr. 15 dated 27.01.1998 gave an opportunity to the SRPF(C) retirees who retired between 1.4.1957 to 31.12.1985 and are surviving entitling them for Ex-gratia payment @ Rs.600/-p.m. w.e.f. 1.11.1997 if they applied for the same. In pursuant to the said circular the applicant applied for grant of Ex-gratia payment and Ex-gratia payment was sanctioned by PFO No. LMG/Pen/Ex-Gratia 0406990049 dated 21.1.1999. It is stated that the applicant is still drawing Ex-gratia payment and hence question of granting pension under pension scheme does not arise.

4. That in reply to the statements in para 4(i) to 4(ii) it is stated that the applicant retired from service on 30.6.1978. He was a store clerk i.e. ministerial staff under IOW/Jagiroad. The applicant never opted for pension and hence he was governed by State Railway Provident Fund Contributory Rules (for short SRPF(C) ) scheme. As a SRPF(C) retiree he was paid all the dues as per his entitlement. It is further stated that Railway Board by notification No. F(E)/III.85/PN1/15 dated 18.6.1985 gave an opportunity to the SRPF(C) retirees to exercise their option to switch over into pensionable scheme. The option was required to be exercised by 17.12.1985. It was mentioned in the said notification that who does exercise an option within the prescribed period shall be deemed to have opted to remain under SRPF(C) rules. But the applicant did not opt for pensionary scheme.

5. That in reply to the statements in para 4(iii) to 4(v) it is stated that the Railway Board by circular no. F(E)/III/97/PN1/Ex.Gr. 15 dated 27.01.1998 gave an opportunity to the ~~SRPF(C)~~ retirees who retired between 1.4.1957 to 31.12.1985 and are surviving entitling them for Ex-gratia payment @ Rs.600/-p.m. w.e.f. 1.11.1997 if they applied for the same. In pursuant to the said circular the applicant applied for grant of Ex-gratia payment and Ex-gratia payment was sanctioned by PFO No. LMG/Pen/Ex-Gratia 0406990049 dated 21.1.1999. It is sated that the applicant is still drawing Ex-gratia payment and hence question of granting pension under pension scheme does not arise. The applications as have been said to be submitted by the applicant were not received by the respondents.

6. That in the facts and circumstances of the case the application deserves to be dismissed with cost.

Verification

I, Shri. Trikalagya Rabha....., working as Sr. Divisional personnel officer, Lending, N.F.Rly, Naligaon, do hereby verify that, the statements made in the paragraphs 1 to 6 are true to my knowledge.

Trikalagya Rabha

Guwahati

Signature

4/4/2002

# NOTICE

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Date 8/4/2002

From

J. L. Sathyanarayanan  
Advocate

To

The Secy. General  
S.C.J.C.

Sub: O.A. No. 106/2001

Sri H. Chakrabarti  
- vs -

U.O. 9 & 005.

Dear Sir,

Please receive copy of the UO  
in the above case for your own use

Yours Sincerely

Chakrabarti  
Advocate

I undertake to serve  
copy upon the counsel  
of the applicant.

Chakrabarti  
Adv. Cell  
8/4/02.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

CHANDIGARH BENCH:

NO. .... 106 ..... OF 2001.

..... H. Chakraborty ..... APPLICANT (S).

VERSUS.

..... U.O. 1 & ors. .... RESPONDENTS.

MEMO OF APPEARANCE.

Sri B.K.Sharma, Sr Advocate, and Standing Counsel  
Railways, enters appearance in the above noted O.A on behalf of  
the Railway Respondents and according files this Memo of  
Appearance.

S. Sarma,

Advocat.

For B.K.Sharma. S.C Rlys.

3/4/02



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

GUWAHATI

O.A.No.106/2001

Shri Haradhan Chakraborty ... Applicant

*Delay - only on finding* Versus-

The Union of India

& other ..... Respondents

In the matter of :

Reply by the applicant

against the Written statement

on behalf of the Respondents.

1. That , as regards the statements made in the  
Written statement by the Respondents under para 3 ,  
the applicant states that he retired as P.W.1 (permanent  
way Inspector) , Jagiroad . The applicant opted for Pension  
under he was wrongly paid under SRPF (C) . The document No.1  
enclosed with the original application by the applicant ,  
amply proves that the applicant opted for Pension before  
his retirement , which was accepted by the Railway Deptt.

contd.....2.

41  
Filed by the  
applicant through  
Genuine Begun  
Advocate  
3-6-02

*the App. I the  
applicant realized  
that he was entitled to  
pension*

*- W.S. not denied  
that App. 1 is  
wrong.*

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and accordingly the document No.1 against name  
of the Petitioner the word Pension is written .  
This document No.1 is a vital and very important  
document issued by the Railway Deptt. which settled  
the final payment of 64 (sixty four) employees  
including the Petitioner at the time of their  
retirement .The entire Case of the petitioner is  
entered around and based on the said documents .In  
the Written statement the Respondent stated so many  
things but it does not say anything regarding the  
document No.1 .It shows that the said document is  
the true document and the Respondents have nothing  
to say against it .As the document No.1 holds the  
field even after the submission of the Written -  
statement of the Respondents .So the Case of the  
applicant is proved beyond doubt that the applicant  
is entitled to pension but the Railway wrongly treated  
him under the SRPF (C).

That the Petitioner opted for Pension before his retirement by an application to the welfare Inspector Mr. Purkayastha at Lunding Division.

The applicant has been receiving ex-gratia payment @ Rs. 600.00 P.M.w.e.f. 1/11/97. The ex-gratia payment will not make the applicant disentitled to his Pensionary benefits which he entitled as per document No. 1 of the Original application. If pensionary benefit are given to the petitioner then the amount paid under SRPF (C) at the time of retirement and also the total Ex-gratia payment received by the Petitioner may be deducted by the Respondents from his total amount of Pension due to him.

contd.....4

3. That as regards the statements made under para 4 of the applicant states that he opted for pension .Against option notification of 1985 the applicant duly exercised his option by filling up the necessary format and submitted the same to the D.R.M (P) , Divisional Railway Manager (personal) Lunding but the Pension option given by the applicant was not considered by the authority and is pending before them till date.

4. That, as regards the statements made under para 5 of the W.S-applicant states that he is drawing Ex-gratia payment but it will not disentitled the Petitioner to get his pension if he is deprived of the same without following the document No.1 which is a document prepared by the Railway authorities.

contd....5

The Respondents falsely stated that the applications submitted by the applicant were not received by them factually. The Respondents received the applications submitted by the applicant which were sent to them by Registered post with acknowledgement due under Law it deemed that the Respondents received the applications because these were sent by Regd. post and more than one month passed away (Ref. C.P.C.).

Photostat copies of Postal receipt dated 16/5/2000 and 26/6/2000 enclosed herewith are marked as Annexure Nos. 3, 3A, 3 B & 3 C respectively.

The Respondents received the application of the applicants by putting signature on the acknowledgement ~~xxxxxxxxxx~~ due those acknowledgement received back by the applicant.

Two Photocopies of the acknowledgement are annexed herewith as Annexures Nos. 4 and 4A respectively.

contd....6

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6. That the applicant states that after perusal of the Written statement, it is seen that the opt of the applicant is mere fortified and this Hon'ble Tribunal would be pleased to allow the application of the applicant and be pleased to direct to N.F. Railway to give pension to the applicant with effect from 1/7/78 alongwith interest 12% on the arrear pension amount accumulated from 1/7/78 till final payment of the same.

VERIFICATION

I, Shri Haradhan Chakraborty Son of Late Ram Gopal Chakraborty, aged about 86 years, retired as Store-Clerk, N.F. Rly. resident of Jagiroad do hereby verify that the contents of paras 1 to 6 are true to my knowledge and belief and I have not suppressed any material facts.

Haradha Chakraborty

(Signature).

June, 2002.

वीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य  
Amount of Stamps affixed Rs. 19/-

एक रजिस्टर्ड  
Received a Registered

पानेवाले का नाम  
Addressed to

VF RM

पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No.

381

तारीख मोहर  
Date Stamp

Annexure no-3

वीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य  
Amount of Stamps affixed Rs. 22/-

एक रजिस्टर्ड  
Received a Registered

पानेवाले का नाम  
Addressed to

Lunding

पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No.

4192

तारीख मोहर  
Date Stamp

Annexure no-3

2-6-00

वीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य  
Amount of Stamps affixed Rs. 17/-

एक रजिस्टर्ड  
Received a Registered

पानेवाले का नाम  
Addressed to

N/12

पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No.

4052

तारीख मोहर  
Date Stamp

27-5-2000

Annexure No. 3B

वीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य  
Amount of Stamps affixed Rs. 19/-

एक रजिस्टर्ड  
Received a Registered

पानेवाले का नाम  
Addressed to

DRM (P)

पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक  
No.

4753

तारीख मोहर  
Date Stamp

Annexure no-3

26-6-2000

Date of delivery: \_\_\_\_\_  
 \*प्रत्येक वस्तु के लिए एक अलग पैकेटिंग आवश्यक है।  
 (प्रत्येक वस्तु के लिए एक अलग पैकेटिंग आवश्यक है।)

Amberg

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Answer no: 4 A



RM 3816  
16-5

জাগিরা 3782410  
JAGIROAD  
DWGONG (ASSAM)

To: Harendra Chatterjee  
C/o Sumit Chatterjee  
100/ Jagradd Office  
P. Jagradd  
P. Jagradd Assam

पिन PIN 7 8 2 4 1 5



भारतीय डाक-तार विभाग  
INDIAN POSTS AND TELEGRAPHIC DEPARTMENT

पोस्टाधिकार के नाम-मोहर  
Name-stamp of office of post

Harn alhar Chakrabarty  
C/104 / Jagi Road to Jagi Road

भेजने वाले का पता/Sender's address

Dink Mongong BSSan



Rec-4192  
55.50

पिन/Pin

711098  
10/9/76

स मु सन्त-28 पोस्टल/74-26-10-76-2,50,00  
Postage San-28 Postle-74-26-10-76-2,50,000

