

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-101/05 order sheet Pg-1 INDEX

Disposed date-19/05/05

O.A/T/A No. 329/04.....

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

E.P/M.A No. 101/05.....

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2. Judgment/Order dtd. 19/05/05..... Pg..... No. Separate order enclosed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 329/2004 OF 199

Applicant(s) Sri B.K. Dutta

Respondent(s) Union of India &amp; Ors

Advocate for Applicant(s) Mr. K.K. Biswas, Advocate,

Advocate for Respondent(s) Mr. J.L. Sarkar, Rly. S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed P. F. Rs. 50/- duly paid by D.C.R.G. No. 412345 Date 18/12/04</p> <p><i>S. D. (J.)</i> Dy. Registrar</p> <p><i>S. D. (J.)</i> 20/12/04</p>	22.12.2004	<p>Present: The Hon'ble Mr. K.V. Prahладан, Member (A).</p> <p>Heard Mr. K.K. Biswas, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the Railways.</p> <p>The application has been filed praying for direction upon the respondents for payment of withheld D.C.R.G. and leave salary payable to the applicant. The applicant had already submitted 2 (two) representations dated 18.6.2004 and 28.7.2004 to the Divisional Railway Manager, N.F. Railway, Rangiya for payment of withheld D.C.R.G. and leave salary, but respondents have not disposed of the same as yet.</p> <p>In my considered view ends of justice will be met, if a direction is issued to the respondents to dispose of the afore- said representations dated 18.6.04 and 28.7.04 by a speaking and reasoned order</p>

ICWP

Contd. /2

Notes of the Registry	Date	Order of the Tribunal
<p>Reed copy of order K. K. Biswas 23/12/04 Advocate for applicant</p>	Contd. 22.12.04	<p>within a period of four months from the date of receipt of this order. The application is disposed of in aforesaid terms at the admission stage itself.</p> <p>Respondents shall file compliance report after four months from the receipt of the order which shall be listed on Board for that purpose only. A copy of the order shall be furnished to learned counsel for the Railways.</p>
<p>27.12.04 Copy of the order alongwith application have been sent to the D/fee. for issuing the due to the Rly. Standing Counsel.</p>	bb	<p><i>K. K. Biswas</i> Member</p>
	12.5.2005	<p>Mr. J.L. Sarkar, learned counsel for the respondents submits that he has required some more time to ascertain the position. Post on 31.5.2005.</p>
<p>11.5.05 Copy of the order issued to the both parties on 23.12.04.</p> <p>No Compliance report filed so far.</p> <p><i>b/s 11.5.05</i></p>	mb	<p><i>K. K. Biswas</i> Member</p>
	19.5.05	<p>Though this case is not in the list today, Mr. J.L. Sarkar, learned counsel for the Railways submits that respondents have complied with the directions and therefore this O.A. can be <del>disposed</del> closed. Mr. Sarkar further submits that this was informed to Mr. K.K. Biswas, learned counsel for the applicant by him.</p>
		<p>In this circumstances this case was called and the O.A. is closed.</p>
<p>26.5.05 Copy of the order has been sent to the D/fee for issuing the due to the L/Adm. for the parties.</p> <p><i>b/s</i></p>	bb	<p><i>K. K. Biswas</i> Member</p>

3  
O.A. 329/04

Notes of the Registry	Date	Order of the Tribunal
May kindly be seen at flag 'A'.		
The above application is received from Smti Madhabi Datta w/o late Badal Kumar Datta which was the applicant in O.A 329/04. The Hon'ble Court had passed an order dated 22.12.2004 for payment of dues within four months from the receipt of the order. Till the date dues are not cleared. Hence the applicant has submitted this application before the Hon'ble Court.		
Laid before the Hon'ble Court for further orders.		

Secretary

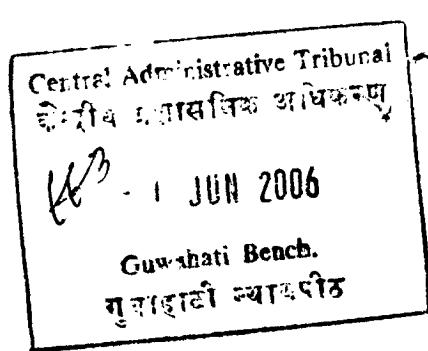
O/A

O/A already disposed of on  
19.5.05 by the Hon'ble court.

Submitted.

Hon'ble  
12/6/06  
12/6/06  
12/6/06  
S. S. (S)

To



4  
9/16/06  
SO(5)

**Shri K.V. Sachidanandan  
The Hon'ble Mr. Justice and Vice Chairman,  
Central Administrative Tribunal  
Guwahati Bench, Rajgarh Road,  
Guwahati.**

**Respected Lordship,**

**Sub :- Non-payment of the retiring dues of Late Badal Kr. Dutta, Ex-Junior Engineer/II/C&W/NF Railway/Rangapara North in spite of Hon'ble CAT/Guwahati's Order dated 22.12.04 in O.A. No.329/2004 within a period of 4 months by the Respondents, N.F. Railway Administration.**

1. At the outset this most unfortunate and bereaved woman of the Applicant Badal Kr. Dutta, the Applicant of the O.A. No.329 of 2004 of your Hon'ble Tribunal, profoundly seeks your magnanimity and kindness to be apologized for intruding upon your most valuable time for submitting this humble petition for your kind intervention in the matter and redressal of this helpless and bereaved lady.

2. My Lordship, that my husband late Badal Kr. Dutta retired from service on 31.5.04 on superannuation and as customary and prevailing system of the Railways when he attended the ceremonial function for the retired employees to receive their final settlement dues, my husband received only Provident Fund, Commutation Value of Pension and Group Insurance Money, without the payments of DCRG, Leave-Salary, Package allowances, retirement Travelling Allowances Over Time Bill for Rs. 7,000/-, Bonus for the year 2003-04 and all other dues payable as per prevailing system of the Railways. On enquiry by my husband the administration observed mute silence and did not response for his constant approaches and representations for about 7 months.

3. That My Lord, finding no other way my husband was constrained to file the above O.A. in your Tribunal for justice and the then Vice-Chairman Hon'ble Mr. Justice G. Shiva Rajan was very much kind enough to direct the Respondents for payment of withheld retiring dues of my Late

husband within a period of 4 months from the date of receipt of his order and he was kind enough also to know the compliance report from the Respondents after 4 months of his order dated 22.12.04

A photocopy of the above order is enclosed as **ANNEXURE-A** for your kind perusal.

4. That the above order of your Hon'ble Tribunal was sent to Divisional Railway Manager, N.F. Railway, Rangiya by my husband's learned Advocate on 30.12.2004.

A photocopy of the Advocate's letter is enclosed as **ANNEXURE-B**.

5. That the administration inspite of the aforementioned order of this Hon'ble Tribunal did not do anything in respect of making of payment of my husband's retiring dues pending with the Respondents-N.F. Railway till date.

6. That it has since come to my knowledge that the Respondents N.F. Railway Administration have misrepresented the fact before your Tribunal on 19.5.05 and stated that the Respondents had complied with the direction and therefore the O.A. could be closed and accordingly His Lordship closed the case. But my Lord, the picture was altogether different and very sorrowful.

A photocopy of this Hon'ble CAT's order dated 19.5.05 is enclosed as **ANNEXURE-C** for your kind perusal.

7. That my Lord, after filing the above O.A. in your Hon'ble Tribunal my husband further receipt only DCRG money amounting to Rs. 1,38,097.00/-, leaving the balance amount of Rs. 32,233/-, the reasons of which has not been disclosed in the Respondents' letter dated 15.09.04. In addition a sum of Rs. 12,378.00/- for CTG and Arr. OTA and Bonus for Rs. 4849.00/- on 21.12.04 and 28.04.05 respectively.

Photocopies of the said letter CTG and Arr. OTA are enclosed as **ANNEXURE-D & E** respectively.

8. That because of the too much mental agony and economic hardships for not getting the retiring dues in addition to having one aged son being out of employment and a marriageable daughter still unmarried, my husband became so much mentally disturbed and unbalanced that on 09.03.2006 while crossing over the Railway line near Rangapara Railway Station he was run over by a Shunting Railway Engine, just immediately after the date fixed for his daughter's marriage the previous night to be solemnized on 12<sup>th</sup> June, 2006.

Photocopies of the Police Report and the Post Mortem report and Death Certificate are enclosed as **ANNEXURE-F, G & H**.

9. That my Lord, most sudden and most unexpected sorrowful death of my husband made this entire family to so much struck dumb that we are at loss what to do and have come to a halt.

10. That my Lord, this humble and bereaved widow of the Applicant in your humble Tribunal without knowing anything proper course to be taken to get my deceased husband's dues from the Railway Administration has come with folded hands for your mercy to look into the matter and help this bereaved lady with her children to survive on receipt of the retiring dues of my late husband kept withheld by the N.F. Railway Administration for no fault of his own. The question of no-submission of the quarter vacation report as was heard from my husband earlier raised by the N.F. Railway Administration was a vague plea, as before one year of his retirement he vacated the quarter and got a clearance certificate from the N.F. Railway Administration.

Photocopies of the clearance certificate of the quarter vacation report are submitted herewith as **ANNEXURE-F & G**, for your kind perusal.

// 4 //

11. My Lord, once again this bereaved and most unfortunate woman with folded hands pray before Lordship to apologize her for taking your most valuable time and also praying for justice in the matter from your benign and helping hands in the name of Lord Almighty and JUSTICE.

With all humility and regards.

Enclo : 8 (Eight) as above.

Dated : . 05.2006.

Yours faithfully,

  
(MADHABI DUTTA)  
W/O. Late Badal Kumar Dutta,  
Ex-Junior Engineer/II/C&W/N.F. Railway  
Rangapara North, Ward No.2, Near Lokenath Mandir,  
P.O. Rangapara, Dt. Sonitpur, Assam.

**In The Central Administrative Tribunal**

GUWAHATI BENCH : GUWAHATI

**ORDER SHEET**

APPLICATION NO. 329/2004 OF 199

K

Q

Applicant(s) Sri B.K. Dutt

Respondent(s) Union of India &amp; Ors

Advocate for Applicant(s) Mr. K.K. Biswas, Advocate,

Advocate for Respondent(s) Mr. J.L. Sarkar, Rly. S.C.

Dated : 22.12.2004

Notes of the Registry	Dates	Order of the Tribunal
	22.12.2004	<p>Present: The Hon'ble Mr. K.V. Prahadan, 2004 Member (A).</p> <p>Heard Mr. K.K. Biswas, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the Railways.</p> <p>The application has been filed praying for direction upon the respondents for payment of withheld D.C.R.G. and leave salary payable to the applicant. The applicant had already submitted 2 (two) representations dated 18.6.2004 and 28.7.2004 to the Divisional Railway Manager, N.F.Railway, Rangiya for payment of withheld D.C.R.G. and leave salary, but respondents have not disposed of the same as yet.</p> <p>In my considered view ends of justice will be met, if a direction is issued to the respondents to dispose of the aforesaid representations dated 18.6.04 and 28.7.04 by a speaking and reasoned order.</p>

ICWP

Contd. /2

Notes of the Registry	Date	Order of the Tribunal
	Contd. 22.12.04	<p>within a period of four months from the date of receipt of this order. The application is disposed of in aforesaid terms at the admission stage itself.</p> <p>Respondents shall file compliance report after four months from the receipt of the order which shall be listed on Board for that purpose only. A copy of the order shall be furnished to learned counsel for the Railways.</p>

Sd/MEMBER (A)

# ANNEXURE- B

Residence

KAMAKHYA MANSION

Kamakhya Nagar, Lane No: 5  
(Adabari Tiniali Bus Stoppage)

GUWAHATI- 781012

2573936

10

Sri Kanti Kumar Biswas, M. A. (Double) LL.B.

Advocate

Guwahati High Court

&

Central Administrative Tribunal

Ref.....

Date 30-12-2004

To  
The Divisional Railway Manager,  
N.F.Railway, Rangiyia.

Dear Sir,

Sub: O.A. No: 329 of 2004 in Hon'ble CAT/GHY.

Sri Badal Kumar Dutta ..... Applicant.

-vs-

Union of India & Ors: ..... Respondents.

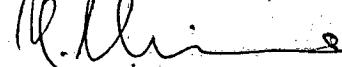
The Certified True Copy of the Order dated 22.12.2004 of the Hon'ble Central Administrative Tribunal, Guwahati in the aforementioned O.A. together with a copy of the Original Application with all its relevant Annexures is sent herewith for your necessary action please.

An acknowledgement receipt of this will be highly appreciated.

~~and happy~~  
Wish you a happy ~~Christmas~~ and ~~delightful~~ ~~prosperous~~  
New Year.

DA: As above.

Yours faithfully,



( K.K.Biswas ) 30/12/04

Advocate for the Applicant.

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

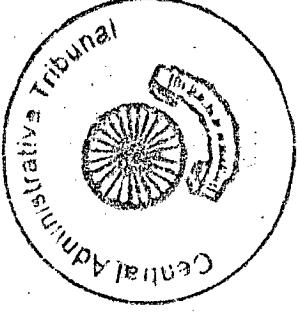
APPLICATION NO. 329/2004 OE 199

Applicant(s) Sri B.K. Dutt

Respondent(s) Union of India &amp; ors

Advocate for Applicant(s) Mr. K.K. Biswas, Advocate,

Advocate for Respondent(s) Mr. J.L. Sarkar, Rly. S.C.

Notes of the Registry	Date	Order of the Tribunal
	19.5.05	<p>Though this case is not in the list today, Mr.J.L.Sarkar, learned counsel for the Railways submits that respondents have complied with the directions and therefore this O.A. can be <del>directed</del> closed. Mr.Sarkar further submits that this was informed to Mr.K.K.Biswas, learned counsel for the applicant by him.</p> <p>In this circumstances this case was called and the O.A. is closed.</p>

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

Date of Application : 9-5-06

Date on which copy is ready : 19.5.06

Date on which copy is delivered : 19.5.06

Certified to be true copy

N Sengupta  
19.5.06

Section Officer (Jdfl)

C. A. T. Guwahati Bench

Guwahati

ANNEXURE-D

दूसरा प्रति / (Original)  
शू. ली. रेलवे / N. F. RAILWAY

३० ली०-एग० ली० ६  
N. F. - AUG. 6

सं०/No. १०० एच आर०/CHR. ता०/Date १३/९/०४  
देश दृ/To The Cashier  
जिम्य ग्रहीदाय/Dear Sir, Balaik Kr. Writer,  
की लह ते नीजे फिल्ड चिकित्स के अनुसार १० जमा करता हूँ ।  
I have the honour to remit as per details below the sum of Rs. ....  
on account of.

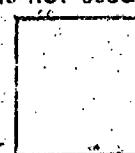
८८२६.	रु०/Rs.	पै०/P.
देक्क सं०/Cheque No.:		
मनी ऑर्डर/ Money Order ३२५९८७ - २३७९	१३८.०९	००
पोस्ट टिकट/Postage Stamp		
मनी ऑर्डर का खर्च/Cost of Money Order		
रसीद टिकट का खर्च/Cost of Receipt-Stamp		
इटम/Total		

कृपया यावती सहित निर्दिष्ट रूपयों के बाकी रकम के बाकी लीटी डाक से भेज दें।  
Please acknowledge and return the enclosed receipt duly Signed by re-  
turn of Post.

कृपया मुख्य खाकड़िया / For Chief Cashier

रसीद मुद्र्य लेखा अधिकारी के नाम लिखी जायेगी। / Receipt to be made out in  
name of Chief Accounts Officer.

यदि दूसरा रसीद फार्म इसेमाल न किया गया हो तो कृपया इस पर सुहर लगाकर हस्ताक्षर कर दें  
जैसे नीचे कर दें। / If a separate receipt form is not used please stamp and  
sign this document and return:



नीचे लिखी हुई रकम प्राप्त की।

Received the amount above mentioned.

दस रुपये २० रु से अधिक हो तो इस पर दस पैसे का रसीद टिकट चिपकाया जायगा।

Ten Paise receipt stamp should be affixed to the receipt if the sum  
exceeds Rs. 20.

N. F. Rly. Press

## ANNEXURE-E

### तिसरी अंति/(Triplicate)

प० स०-एय० जी० ६  
N. F.—AUG. 3

पृ० सौ० बैलवे N. F. RAILWAY

सं/No. .... सी. आर. एस. / C.R.S. Date/ ..... 198  
सेवा में/To The.....

प्रिय महोदय / Dear Sir,

मैं की मद में नीचे लिखे विवरण के अनुसार १० रु. जमा करता हूँ ।

I have the honour to remit as per details below the sum of Rs. 79 & ANNA on account of .....

कृपया पावर्ती स्था फार करें ताकि संकेत रप्पीड व्याकायता हस्ताक्षर के बोर्ड लोटसी डाक से भेज दें।  
Please acknowledge and return the enclosed receipt duly Signed by re-  
turn of Post.

### क्रते सुख्य रोकड़िवा / For Chief Cashier

रसीद सुनिय लेखा अधिकारी के नाम लिखी जायेगी / Receipt to be made out in  
name of Chief Accounts Officer.

यांद दूर, रक्षाद सामें इन तेमान से क्या गया है। तो क्या इस पर सुहर लगाकर हस्ताक्षर कर दें और वा पंग कर दें। If a separate receipt form is not used please stamp and sign this document and return.

ऊधर लिखी हुई रकम प्राप्त की ।  
Received the amount above mentioned.

यदि इक्षु 20 ₹० से अधिक हो तो दूरे पर दा पैसे का रसीदी टिकट चिपकाया जायगा ।

Ten Paise receipt stamp should be affixed to the receipt if the sum exceeds Rs. 20.

## ANNEXURE - F

TO,  
The Office-In-charge  
Govt. of Railway Police  
Rangaparanorth.

Sub:- Prayer for Police report in connection  
with run over case of late Badal  
Kumar Dutta.

With due respect I. Sri Ashis Kumar Dutta, son of late Badal Kumar Dutta of Ward No. 2 Taltala Colony would like to submit the following few lines for your kind information and sympathetic consideration please.

That Sir, my father named late Badal Kumar Dutta, Ex: JE/I/CSW, RPAN was run over by the Train Engine of 5815DN Mail Passenger train on Platform No. 1 of Rangaparanorth station on 09.03.2006. The body was sent for Post Merten at Tezpur Civil Hospital and was cremated at Rangapara on 09.03.06.

That Sir, I would request you kindly to issue me a Police report in this connection for my further action please and oblige.

Thanking you.

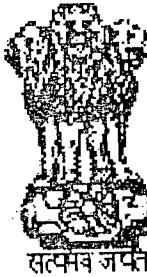
Yours faithfully,

## Rangaparanorth.

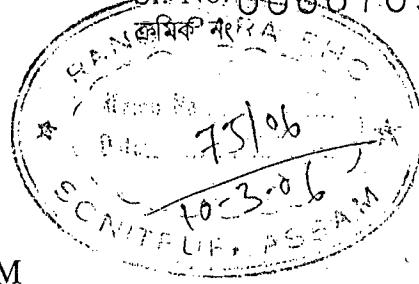
Date 26th April/2006.

Ashish Kumar Saini  
30/9/06



Form No. 6  
ফর্ম নং ৬

SI. No. 0066703



GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেৱা সঞ্চালকালয়)  
CERTIFICATE OF DEATH  
(মৃত্যুৰ প্রমাণ পত্ৰ)

ISSUED UNDER SECTION 12/17 of the Registration of Birth and Deaths Act, 1969.

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death which is in the register for..... ২০০৬ ..... Registration unit ..... পঞ্জীয়নে ..... of District ..... সিলগড় ..... of the State of Assam.

ইয়াৰ দ্বাৰা প্রমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ জিলা ..... খণ্ড/ পৌৰসভাৰ মৌজাৰ অন্তর্গত পঞ্জীয়ন গোটৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা সংগৃহীত

Name/নাম ..... Badal K. Datta -  
Sex/লিঙ্গ ..... Male -

Date of Death/মৃত্যুৰ তাৰিখ ..... ৭-৩-০৬ .....  
Place of Death/মৃত্যুৰ স্থান ..... কেন্দ্ৰীয় পঞ্জীয়ন .....  
Registration No./পঞ্জীয়ন নং ..... ৭৫১০৬ .....  
Date of Registration No./পঞ্জীয়নৰ তাৰিখ ..... ১০-৩-০৬ .....  
Name of Father/Mother/Husband .....  
(পিতৃ/মাতৃ/স্বামীৰ নাম)

Signature of issuing authority/

জাৰী কৰা কাৰ্ত্তিপক্ষৰ চষ্টী

Designation /পদবী .....  
Date/তাৰিখ .....  
Seal/মোৰ্চ .....  
Sonti

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to Section 17 (1)

20 DEC 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :  
AT GUWAHATI

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

O. A. No. ....329..... of 2004

Sri Badal Kumar Dutta ----- Applicant.

Vs.

Union of India & Others ----- Respondents.

Synopsis

Application for payment of D.C.R.G. leave-Salary, retiring package allowances & Travelling allowances, and outstanding overtime Bill of the Applicant not paid by the Respondents at the time of payment of final settlement dues as per prevailing Rly.

Rules and Systems.

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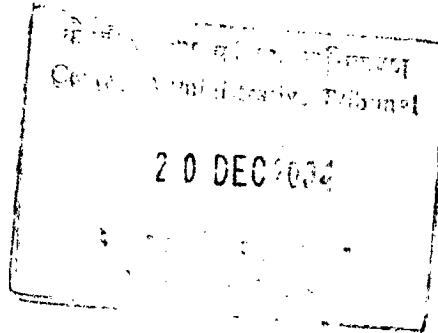
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8.	Annexure-F	Acknowledgement receipt by DRM's office	14
9.	-	Vakalatnama	15
10.	-	Acknowledgement Receipt of Service copy	16
•			

Filed by :

Place : Guwahati.

Date : 20.12.2004.

*K. K. Biswas*  
( K. K. BISWAS )  
Advocate



File by  
Mr. D. S. S.  
20/12/04  
Advocate

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : GUWAHATI BENCH :  
AT GUWAHATI  
( An application under section 19 of the Administrative Tribunal Act, 1985 )

O. A. No. 329 of 2004.

Sri Badal Kumar Dutta  
S/o. Late Prabhat Chandra Dutta  
Ex. Junior Engineer/II/C&W/N.F.Rly./Rangapara North  
Ward No. 2, Near Lokenath Mandir,  
P.O. Rangapara, Dist. Darrang, Assam.

— Applicant.

Vs.

- 1) Union of India – Representing by the General Manager, N.F.Railway, Maligaon, Guwahati-781 011.
- 2) The Chief Personnel Officer, N.F.Railway, Maligaon, Guwahati-781 011.
- 3) The Divisional Railway Manager, N.F.Railway, Rangiya, P.O. Rangiya, Dist. Kamrup, Assam.
- 4) The Divisional Personnel Officer/N.F.Railway/Rangiya, P.O. Rangiya, Dist. Kamrup, Assam.

— Opposite Parties  
Respondents

DETAILS OF APPLICATION :

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

The certificate issued by Divisional Railway Manager/N.F.Rly./Rangiya under No. E/211/FS/RN/01 dt. 02-06-2004 showing D.C.R.G. amount Rs. 1,70,330/-.

( Annexure – A )

Contd. .... P/2 – Jurisdiction.

2. **Jurisdiction :-**

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. **Limitation :-**

The Applicant submits that the Application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. **Facts of the case :-**

- 4.1 That the Applicant is the citizen of India and are therefore entitled to the rights and privileges guaranteed to the citizens of India under the Constitution.
- 4.2 That it is humbly submitted that after serving the N.F.Railway Administration for about long four decades the Applicant retired on 31/05/2004 on superanuation.
- 4.3 That as per prevailing system the Applicant was called to attend the function on 04-06-2004 held in D.R.M's office to receive his final settlement dues on retirement.
- 4.4 That in the said function of payment of Final settlement dues the Applicant was given the impugned certificate which indicated that the Applicant was entitled to receive his gratuity (D.C.R.G.) money amounting to Rs.1,70,330/-.

Copy of the above certificate is enclosed as Annexure-A.

- 4.5 That while receiving the final settlement dues, the Applicant found that only Provident fund, Commutation value of Pension & Group Insurance money were paid, but the Administration observed mute silence in respect of payment of D.C.R.G., leave salary, Package allowances, retirement Travelling Allowance and Over Time Bill for Rs.7000/- outstanding with the Respondents for payment along with the final settlement dues as per prevailing system of the Railway, *in addition to payment of all pending dues of the Applicant, including the bonus for 2003-2004, to be paid by the Respondents.*

Contd.....P/3 – That on.....

4.6 That on enquiry the Applicant was told that Gratuity was not paid due to non-vacation of the Rly. Qr. and leave Account Book was not traceable in the Administration's Office.

4.7 That it is a matter of peculiar grief and great regret that inspite of vacating the Applicant's allotted Rly. Qr. No. 25/A type I pucca at Taltala Colony, Rangapara North, on 28/03/2003 and docketing the quarter vacation report to all concerned, in addition to enclosing a copy of the same with the book/brochure for arranging Final settlement dues, how the respondents could say that due to non-vacation of the Rly Quarter the D.C.R.G. was not paid. It was not only ridiculous but also humiliating to the Applicant in presence of all other retired Railway employees who had been waiting in the said function for receiving their Final settlement dues. ~~It is pertinent to mention that the QR vacation report was forwarded by Respondent No. 3 to ATM/PPAN vide his letter No. E/204/PEN/Rtd dated 13-8-2004. Copy of the Quarter vacation report is enclosing as Annexure-B. copy of above forwarding letter is at Annexure B/1.~~

4.8 That on personal approach the Divisional Personnel Officer, N.F.Railway, Rangiya, the Respondent No. 4, gave a very harsh reply and behaved with the Applicant inhumanly when the Applicant, a Senior Citizen of India, was trying to hand over Memorandum of appeal for his redress.

4.9 That on being aggrieved for not getting the "just dues" of the Applicant from the Respondents' hands despite repeated personal approaches to all concurred authorities the Applicant submitted a written representation to the Divisional Railway Manager, N.F.Railway, Rangiya, on 18/06/2004 by Registered Post which was acknowledged by DRM's Office on 21/06/04. Copies of the above representation and its acknowledgment Receipt are enclosed as Annexures C & D.

4.10 That after waiting for about 1½ months the Applicant submitted a reminder to the Divisional Railway Manager, N.F. Rly, Rangiya on 28/07/2004 by Registered Post for early payment of above mentioned dues to the Applicant. Copies of above representation and its Postal acknowledged Receipt are enclosed as Annexures E & F.

4.11 That even after submission of the above Registered Representations the Respondents have not shown any act of positive step which may satiate the Applicant's grievances, *Leave and except payment of Gratuity money for Rs 1,38,097/- by cheque No. G925937 dt. 23.9.04, leaving the balance Rs 32,233/- and dues mentioned in para 4.5 above.*

4.12 That it fails to understand that as to why for non-availability of the leave-Account Book in the Respondent's office the Applicant has to suffer in his post-retirement days taking severe mental agony and economic hardships.

4.13 That as per prevailing Rules of the Railways all accounts in respect of Final Settlement of a retiring Railway employee shall have to be completed, passed, vetted and got ready for payment on the day of his/her retirement.

4.14 That it is a matter of peculiar grief and great regret that inspite of having such mandatory Rules of final settlement dues for the Rly. employees mentioned at Para 4.13 above it fails to understand as to why the Applicant has been put to such harassment, humiliation and hardships by the Respondents which have caused the Applicant to approach this Hon'ble Tribunal for justice.

4.15 That the actions of the Respondents are quite arbitrary, whimsical, unfair and unlawful in accordance with all Railways' own set of Rules & System.

4.16 That it will be a travesty of justice if the Applicant is made to suffer in the matter of not getting his retirement dues in full due to the inaction and wanton attitude of the Respondents.

4.17 That the action of the Respondents have infringed the Fundamental rights as enunciated under Articles 14, 16, 21 & 309 of the Constitution of India.

4.18 That the Applicant craves leave of this Hon'ble Tribunal to file Additional written statement / Rejoinder, if necessary, for ends of justice.

**5. Grounds for Relief :-**

- 5.1 For that Fairness of Administrative Justice was not observed and the Railways' own set of Rules & system flouted.
- 5.2 For that arbitrary and whimsical actions were taken by the Respondents.
- 5.3 For that the Applicant was embarrassed, harassed and humiliated in a Function in presence of a good gathering of Railway Officers, staff and retired Rly. employees called there for taking their final settlement dues.

5.4 For that discrimination by the Respondents in settling the Applicant's retirement dues are candid.

5.5 For that the Respondents put the Applicant in countless sufferings by depriving him of his "just dues" on time.

5.6 For that the Respondents have deliberately created the economic hardships to the Applicant for no fault of his own.

5.7 For that the Respondents have not only flouted their own set of mandatory Rules, procedures & system but also infringed the Fundamental rights of the Applicant under Articles 14, 16(1), 21 & 309 of the Constitution of India.

**6. Details of remedy exhausted :-**

The Applicant declares that he has availed of all the remedies available to him under relevant service rules to the best of his capabilities and without getting any relief to his appeals and representations mentioned under the above ANNEXURES he has come to this Hon'ble Tribunal for having justice which he has thought to be efficacious and inevitable for him under Article 21 of the Constitution of India.

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

The Applicant most humbly submits that he has not filed any other application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any Tribunal or Court in respect of the subject matter of this application.

**8. Relief Sought :-**

In the circumstances stated above the Applicant humbly prays that the Lordships of this Hon'ble Tribunal may be pleased to administer justice by calling upon the records and witness, if necessary, and issue orders –

(i) For quashing the miscarriage of justice caused by the Respondents by issuing the impugned order / letter / Memorandum / certificate at ANNEXURE-A, and arrange payment of <sup>balance</sup> D.C.R.G., leave encashment Salary, Retiring package allowance and Travelling allowances, outstanding overtime Bill; with PLB Bonus for the year 2003 - 2004.

(ii) Payment of Interest at the prevailing market rate from the date of the Applicant's retirement till the date of payment, and

(iii) Cost for the litigation expenses.

9. **Interim Relief :-**

Pending finalisation of this Application your Lordships may be pleased to pass such order as deem fit and proper.

10. **Particulars of Application Fee :-**

Indian Postal Order No. <sup>11 G 412 345</sup> dated 18.12.2004.. amounting to Rs.50.00 (Rupees fifty only) to be drawn in the Head Post Office, Guwahati is enclosed.

11. **Details of Index :-**

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

12. **List of ANNEXURES :-**

b/1,  
A, B, C, D, E, F.  
1

## VERIFICATION

I, Sri Badal Kumar Dutta, S/o. late Prabhat chandra Dutta aged about 60½ years, retired Junior Engineer/II/C&W/ N.F.Rly./Rangapara North, Ward No. 2, near Lokenath Mandir, P.O. Rangapara, Dist. Darrang, Assam, do hereby solemnly affirm and verify that the contents of paragraphs 4.1 to 4.10 are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts and the paras 4.11 to 4.18 are my humble and respectful submission before this Hon'ble Tribunal.

AND I sign this VERIFICATION on this .....20/12..... day of December, 2004.

Place : Guwahati.

Date : .....20/12/2004

Badal Kumar Dutta

SIGNATURE OF THE APPLICANT

To,

The Deputy Registrar,  
Central Administrative Tribunal  
Guwahati.

No. E/ 211/FS/RN/01.

Office of the  
Divisional Railway Manager(P)  
Rangiya

Dated : .....

CERTIFICATE

1. Name of the Retiring Employee

Bodla K. R. Beetta

2. Designation (At the time of  
Retirement/Demise)

Ex. SE / II / C.G.W

3. Office/Station from which  
retired/deceased

S.S.E (28.15) / RPAN

4. Date of Birth

20-05-44

5. Date of Appointment

25-09-65

6. Date of Retirement/Demise

31-05-04

7. Total qualifying service

38 years 08 Months 06 Days

8. a) Last Pay Drawn

Rs 6200/-

b) Special Pay if any

X

9. Pay scale at the time of Retirement/Demise.

Rs 5000-8000/-

10. P. F. Number

01787536

11. Details of Family members at the  
time of Retirement/Demise

03

12. Name of the dependents:

Relationship

Date of Birth

- i) Madhaba Beetta
- ii) Ashislu K. R. Beetta
- iii) Reema Beetta
- iv) —
- v) —
- vi) —

02-01-52

21-01-73

15-03-84

13. Class of Pass and admissible  
on Retirement/Demise

1st class

14. Number of Complimentary  
Passes admissible2 sets per year  
1 set per year

- a) On Retirement
- b) On demise to the spouse

Contd..... 2

allotted  
releas  
20/12/04  
Admit

Medi  
N.F. 1st class  
10 A.C. 1st class  
10 A.C. 1st class

81  
28  
The details of your pensionery benefits are as under:

D u e s	Amount admissible	Deduction	Amount Paid
P. F. (Own contribution)	Rs. 34970.00		34970.00
Death linked Insurance			
D.C.R.G.	Rs. 1,70,330.00		
Pension Commutation value	Rs. 2,14,722.00		Rs. 214722.00
Group Insurance	Rs. 19764.00		Rs. 19764.00
Leave Salary			

It is to inform that the undermentioned amount of Government dues from your D.C.R.G. have been deducted/with held temporarily. After verification of the amount of Government dues if any amount comes, the same will be deducted and arrangement will be made to refund the balance amount. If you have not vacated your Railway quarters, you should vacate if within permissible period of retirement.

- i) For not vacating the Rly. qrs. Rs.
- ii) Commercial Debit. Rs.
- iii) Other Dues. Rs.

*Signature of Salary Officer with prity.*  
Signature of Salary Officer with prity.

Mr. R. R. Rangiy  
Railway, Rangiy

ANNEXURE-B

No: WS/2/2/11

9

To,  
DRM (P) RAN  
N.F. Rly.

Office of the  
SE (W) RAN  
D1-23-4-04

Sub:- Clearance Certificate

This is to certify that the  
Sarki Rly Quarter No. 25/A Type-I electrified  
at Saltala colony, RAN has vacated  
by Sri Badal Kr. Path, JE/II/C2W  
RAN on 28.4.03.

The engineering fittings of  
the above said quarter are found  
correct and sink area is 35.04 sqm.

28/4/04  
क्षेत्रमापणार्थकारी (मापण)  
रेलवे रोड रायली नव्य  
Section Engineer (Works)  
N.P. Railways Bangalore North

Copy to:- Party concerned

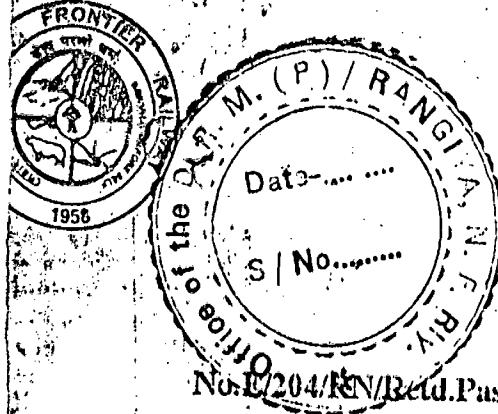
attested

Biju

28/4/04  
क्षेत्रमापणार्थकारी (मापण)  
रेलवे रोड रायली नव्य  
Section Engineer (Works)  
N.P. Railways Bangalore North

28/4/04  
क्षेत्रमापणार्थकारी (मापण)  
रेलवे रोड रायली नव्य  
Section Engineer (Works)  
N.P. Railways Bangalore North

attested  
RE/for  
28/4/04  
Advocate



10  
N.F.Railway

ANNEXURE - B/1

Office of the  
DRM (P)/RNY

Dated: 31/08/04

No. E/204/RN/Retd.Pass.

To:  
The AM/RIAN  
N.F. Railway

Sri Badal Kumar Dutta, Ex. JE/97-1(c&w) under  
SSE/c&w/RIAN retired from Ry. service on 31/05/04 on  
superannuation from Rangiyा Division, N.F.Railway, Sri  
Badal Kumar Dutta has applied for his post retirement  
Complimentary Pass to avail from the AM/RIAN, N.F. Railway.

As such the following documents of Sri Badal Kumar Dutta are  
enclosed herewith for disposal please.

1. Application form ( in original )
2. Copy of identify cum service certificate.
3. Copy of vacaton of Ry. Qrs.
4. Certificate for entitlement of post retirement Pass
5. Copy of pension disbursement paper.
6. Pass clearance
7. He has not taken any set post retirement complimentary pass from this  
end during 2004

Please acknowledge receipt.

✓ Copy to Sri Badal Kumar Dutta,  
for information please.

Reed  
31/8/04  
मुख्य प्राप्ति  
पू.मोरेलो/गोपाडा नथ  
Area Manager  
N.F. Ry./Rangapura North

कृत मान्यता DRM (P)/RNY (वित्त)  
For DRM (P) RNY  
रामधा मंडल  
N. F. Ry. Rangiyा

कृत मान्यता DRM (P)/RNY (वित्त)  
For DRM (P) RNY  
रामधा मंडल  
N. F. Ry. Rangiyा

all set  
reed for es  
20/9/04  
Advocate

From: Shri Badal Kumar Dutta  
Ex: JE/II/C&W/RPAN  
Word No.2 Near Loknath Mandir  
Rangapara.

ANNEXURE-C

TO : The Divisional Railway Manager  
N.E. Railway,  
Rangapara.

Sir

Sub:- Payment of Final Settlement dues.

With due respect I, Shri Badal Kumar Dutta, Ex: JE/II/C&W/RPAN would like to submit the following few lines for your kind information with a hope that you being the sole authority of this Division and a well wisher of the retired railway employee will surely take prompt action to render necessary help to me by making payment.

That Sir, I have already retired from the Rly. service w.e.f. 31.5.2004. I was called to attend the function of disbursement of F.S. bill of the retired employee on 04.06.2004. On that day I was handed over a Certificate No. E/211/FS/RN/01 dated 02.06.2004 wherein I found that the D.C.R.G amounting Rs 1,70,330/- has been shown but no DCRG amount has been paid to me. On enquiry it was made understand to me that DCRG has not been drawn or paid to me on the plea of non-vacation of the railway quarter. I am really sorry and badly shocked on such reply because one unit of railway quarter No. 25/A type I pucca electrified at Taltolia colony/RPAN had already been vacated by me on 28.03.2003 and necessary vacation report had been submitted to all concerned. Even one copy of such vacation report was enclosed while submitting the F.S. book. A copy of vacation report is enclosed for your ready reference please.

Secondly in the above Certificate leave salary amount has been kept blank. On enquiry it is revealed that due to non-receipt of the leave account book this amount has not been drawn and paid to me. This sort of remarks from the railway authority is making nothing but a mockery. On 04.06.2004 I had submitted an appeal to DPO/R.Y in this regard but he did not accept it.

Due to non-payment of DCRG and leave salary to me alongwith my F.S.dues, I am badly humiliated and shocked and I have to face a lot of difficulties at this juncture. Sir, in your warm appreciation D.O.No. WB/105/RN/112 dt. 01.06.2004 you have wished me a peaceful retired life. Hence I would request you to be kind enough to make my DCRG and leave salary within 10 days with Banking rate and obliged thereby.

Rangaparanorth

Date 18th June/2004.

Thanking you.

Yours faithfully,

Badal Kr Dua -  
Ex: - JE/II RPAN  
D/ - 18-6-2004 -

Badal Kr Dua -  
Ex: - JE/II RPAN  
D/ - 18-6-2004 -  
Advocate  
28/2004

## प्राप्ति-रखीबृंहि (स्लोट) / ACKNOWLEDGEMENT

12

ANNEXURE-D

30

\* रक्क गजस्त्री पत्र / पोस्ट कार्ड / पेक्ट / पार्सल प्राप्त हुआ।

क्रमांक

\* Received बृंहि (स्लोट) / Registered

Letter/ Postcard/ Packet/ Parcel No.

पाने वाले का नाम

SRI R. K. 21 PADHYAY

Addressed to (पाप्ति)

Divisional Rly. Manager

● घोषित पत्र

NFRly, Ranganya

● Insured for

P. O. RANGANYA (R.S.)

● बितरण की तारीख

Dist. Kamrup (Assam)

Date of Delivery

19 पाने वाले के हस्ताक्षर / Signature of addressee

\* अनावश्यक की फाट दिया जाये / Score out the matter not required

\* केवल बीमा वस्तुओं के लिए / For insured articles only

21/12/2004  
 SRI R. K. 21 PADHYAY  
 Divisional Rly. Manager  
 NFRly, Ranganya  
 P. O. RANGANYA (R.S.)  
 Dist. Kamrup (Assam)

21/12/2004  
 SRI R. K. 21 PADHYAY  
 Divisional Rly. Manager  
 NFRly, Ranganya  
 P. O. RANGANYA (R.S.)  
 Dist. Kamrup (Assam)

21/12/2004  
 SRI R. K. 21 PADHYAY  
 Divisional Rly. Manager  
 NFRly, Ranganya  
 P. O. RANGANYA (R.S.)  
 Dist. Kamrup (Assam)

3)

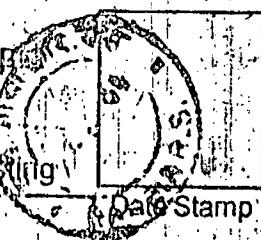
आर. पी. 54

R.P.-54

भारतीय डाक-प्रिभाग

DEPARTMENT OF POSTS, INDIA

तारीख -मोहर



प्रेषक डाकघर की नाम-मोहर  
Name- Stamp of office of posting

भेजनेवाले का पता / Sender's Address

Badal Kumar Datta, Ex- J.E/11/efm  
TALTALA COLONY, RANGAPARA  
P.O. RANGAPARA, Dist. Sona Pore (Assam)

पिन/Pin 7 8 4 5 0 5

Advocate  
Ref. No. 207/1904  
Advocate

TO  
The Divisional Railway Manager  
I.E.Railway  
Kanoya.

Sub:- Non-payment of D.C.R.G and leave  
salary bill.

Ref:- My application dated 18-6-2004.

Sir,

With a great and heavy heart I would like to draw your kind attention towards my application dated 18th June/2004 acknowledged by your office on 23.6.2004 in connection with nonpayment of D.C.R.G and leave salary to me.

That Sir, I have already been retired from the railway service as a JE/II/C&W/RPAN on 31.5.2004. I have been paid the following bills:

- (a) P.F (own contribution)
- (b) Pension commutation value
- (c) Group Insurance.

An amount of Rs 1,70,330/- has been shown as D.C.R.G. in my certificate but not paid on the ground that no railway quarter has been vacated by me. It is painful to inform you that I had already vacated the railway quarter No. 25/A type I in taltala colony at RPAN on 28.3.2003 and necessary clearance certificate of IOW, EC and Mediacial deptt. have been submitted to the office concerned and even a copy of each was handed over to LWI.

Secondly no leave salary has been drawn or paid to me. On enquiry it is stated that no leave account book pertaining to me is available in the office. This sort of funny remarks have penalised me. Hence I had submitted and appeal dt. 18.6.04 to you but till date no response is received from yours end.

Sir, Finding no alternative I hereby once request you kindly to go through my this appeal and call for my appeal dt. 18.6.04 and arrange to release and make payment of my D.C.R.G and leave salary within 7 days from the date of receipt of this appeal. If no response is received within the stipulated date I may be bound by the circumstances to take the help of court with its interest.

Thanking you.

Yours faithfully,

Badal Kr Dutta  
( Badal Kumar Dutta)  
Ex: JE/II/C&W/RPAN

Date 28th July/2004.

Attest  
R.K.D.  
28/7/2004  
Advocate

आर. पी. 54  
R. P. 54

14

ANNEXURE - F

तारीख - मोहर

भारतीय डाक-विभाग  
DEPARTMENT OF POSTS, INDIA

प्रेषक डाकघर की नाम-मोहर  
Name- Stamp of office of posting

Date Stamp

84/10/04

भेजनेवाले का पता/Sender's Address

Pandit Kr. Datta  
No. 1, Talatal Colony, Rangajora  
P.O. Rangajora, Dist. Coimbatore (Tamil Nadu)

Pin/Pin 

7	8	4	5	0	5
---	---	---	---	---	---

Attest  
R.K. Datta  
20/10/04  
Advocate

