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

(DESTRUCTION OF RECORD RULES, 1990)

MP-101/05 ordersheet pg-1 **INDEX**

disposal 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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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 & 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 for Rs. 30/- deposit by P.O.D. No. 11/02/412345 Date 18/12/04 Dy. Registrar S. D. G. 20/12/04</p>	22.12.2004	<p>Present: The Hon'ble Mr. K.V. Prahladan, 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 with 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>

lup

Contd./2

Notes of the Registry	Date	Order of the Tribunal
<p>Recd copy of order K.K.Biswas 23/12/04 Advocate for Applicant</p> <p>23.12.04</p> <p>Copy of the order alongwith applications have been sent to the Office for issuing the order to the Rly. Standup Council.</p> <p>11.5.05</p> <p>Copy of the order issued to both parties on 23.12.04.</p> <p>No compliance rept. filed so far.</p> <p>by 11.5</p> <p>26.5.05</p> <p>Copy of the order has been sent to the Office for issuing the order to the L/Adv. for the parties.</p> <p>th</p>	<p>Contd. 22.12.04</p> <p>bb</p> <p>12.5.2005</p> <p>mb</p> <p>19.5.05</p> <p>bb</p>	<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>Member</p> <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>Member</p> <p>Vice-Chairman</p> <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>stays</del> closed. Mr.Sarkar further submits that this was informed to Mr.K.K.Biswas, learned coun- sel for the applicant by him.</p> <p>In this circumstances this case was called and the O.A. is closed.</p> <p>Member</p> <p>Vice-Chairman</p>

3  
O.A. 329/04

Notes of the Registry	Date	Order of the Tribunal
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May kindly be seen  
at flag 'A'.

The above application  
is received from Smt  
Madhavi Datta w/o  
late Badal Kumar Datta  
which was the applicant  
in O.A. 329/04. The  
Honble Court had passed  
an order dated 22.12.2004  
for payment of dues  
within four months from  
the receipt of the order.  
But till date dues are  
not cleared. Hence  
the applicant has  
submitted this application  
before the Honble Court.

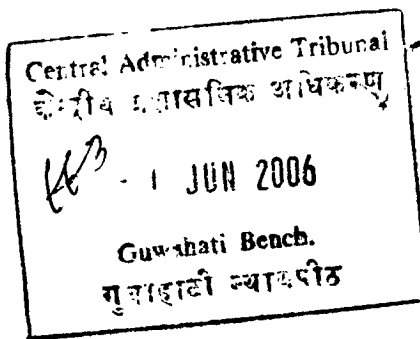
kind before the  
Honble Court for further  
order.

~~Secretary~~

As,

OA already disposed of on  
19.5.05 by the Honble Court.  
Submitted.

Honble  
12/6/06  
12/6/06  
12/6/06  
50(5)



4  
2/16/06  
50(5)

To

**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

Contd.....P/2..husband

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.

22.12.2009  
- 6/8/09

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.

Contd.....P/4..My Lord

// 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.

Encl : 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

Applicant(s) *Sri B.K. Dutta*Respondent(s) *Union of India & ors*Advocate for Applicant(s) *Mr. K.K. Biswas, Advocate,*Advocate for Respondent(s) *Mr. J.L. Sarkar, Rly. Sec.*

Notes of the Registry	Date	Order of the Tribunal
	22.12.2004	Present: The Hon'ble Mr. K.V. Prahladan, Member (A). Heard Mr. K.K. Biswas, learned counsel for the applicant and also Mr. J.L. Sarkar, learned counsel for the Railways. 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 <del>xxxx</del> D.C.R.G. and leave salary, but respondents have not disposed of the same as yet. 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

lcup

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

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

Advocate

Guwahati High Court

&

Central Administrative Tribunal

Ref.....

Date 30-12-2004

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

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.

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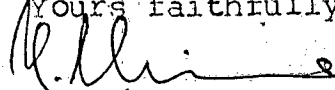
The Certified True Copy of the Order dated  
22.12.2004 of the Hon'ble Central Administrative Tribunal,  
Guwahati's in the aforementioned O.A. together with a  
copy of the Original Application with all its relevant  
Annexures is sent herewith for your necessary action  
please.

An acknowledgement receipt of this will  
be highly appreciated.

~~and at Rangiya~~  
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

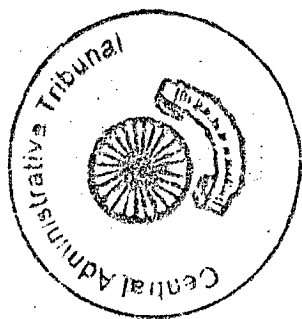
ORDER SHEET  
APPLICATION NO. 329/2004 OF 199

Applicant(s) Sri B.K. Dutta

Respondent(s) Union of India & Ors

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

Advocate for Respondent(s) Mr. J.L. Sarkar, Pky. S. r.



Notes of the Registry

Date

Order of the Tribunal

19.5.05

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 ~~dismissed~~ closed. Mr. Sarkar further submits that this was informed to Mr. K.K. Biswas, learned counsel for the applicant by him.

In this circumstances this case was called and the O.A. is closed.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

Date of Application : 9-5-06

Date on which copy is ready : 10.5.06

Date on which copy is delivered : 19.5.05

Certified to be true copy

Section Officer (Judl)

C. A. T. Guwahati Bench

Guwahati

ANNEXURE-D

मूल प्रति/(Original)  
यू. सी. रेलवे/N. F. RAILWAY

30 सी-एच-जी 6  
N. F.—AUG. 6

चौ/No. 1579/04 चौ एच आर/CHR. चौ/Date 15/9/04 198  
सेवा से/To The Cashier  
प्रिय महोदय/Dear Sir, Balal K. Duttar.  
मैं को मद में नीचे दिये विवरण के अनुसार रु० जमा करता हूँ ।।  
I have the honour to remit as per details below the sum of Rs.  
on account of.

	रु०/Rs.	पैसे/P.
चैक सं०/Cheque No.		
मनी ऑर्डर/Money Order 325987-2379	138,097-00	
डाक टिकट/Postage Stamp		
मनी ऑर्डर का खर्च/Cost of Money Order		
रसीद टिकट का खर्च/Cost of Receipt Stamp		
कुल/Total		

कृपया प्राप्ति की किर कर लीधी रसीद वाकफदा हस्ताक्षर के बाद लौटती डाक से भेज दें ।  
Please acknowledge and return the enclosed receipt duly Signed by re-  
turn of Post.

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

यदि दूसरा रसीद फार्म इस्तेमाल न किया गया हो तो कृपया इस पर मुहर लगाकर हस्ताक्षर कर दें  
और वापस कर दें । / If a separate receipt form is not used please stamp and  
sign this document and return.

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

यदि रकम 20 रु० से अधिक हो तो इस पर दस पैसे का रसीद टिकट चिपकाया जायेगा ।  
Ten Paise receipt stamp should be affixed to the receipt if the sum  
exceeds Rs. 20.

A. F. Rly. Press

तिसरी प्रति/(Triplicate)

पू० सी०-एच०.जी० ६  
N. F. RAILWAY

पू० सी०-एच०.जी० ६  
N. F. AUG. 3

सं०/No. १४५४०/CHP Date 198

सेवा में/To The

प्रिय महोदय/Dear Sir,

मैं को मद में नीचे लिखे विवरण के अनुसार रु० जमा करता हूँ।/

I have the honour to remit as per details below the sum of Rs. ८१६ & Anna  
on account of

चेक सं०/Cheque No.	रु०/Rs.	पै०/P.
९,३५८६८-७११	१२३७८	००
मनी अर्डर/Money Order		
डाक टिकट/Postage Stamp		
मनी अर्डर का दूध Cost of Money Order		
रसीदी टिकट का दूध Cost of Receipt Stamp		
कुल Total		

कृपया पावनी स्वीकार करें तथा संलग्न रसीद वाक्यावली हस्ताक्षर के बाद लौटती डाक से भेज दें।  
Please acknowledge and return the enclosed receipt duly Signed by return of Post.

मुख्य रोकड़िया/For Chief Cashier

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

याद दूर रसीद फार्म इस्तेमाल न किया गया हो तो कृपया इस पर सुहर लगाकर हस्ताक्षर कर दें और वापस कर दें। / If a separate receipt form is not used please stamp and sign this document and return.

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

यदि रकम २० रु० से अधिक हो तो इस पर दस पैसे का रसीदी टिकट चिपकाया जायगा।

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

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 Mortem 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 Dutta  
30/4/06

*Dear Sir,*  
*I received the letter from you dated 26/4/06 regarding the case of late Badal Kumar Dutta who 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 Mortem at Tezpur Civil Hospital and was cremated at Rangapara on 09.03.06. I am sorry to hear about the death of your father and I am sure you are going through a very difficult time. I will try to expedite the process of issuing a Police report in this connection. I am sure you will be satisfied with the outcome. I am sure you will be satisfied with the outcome. I am sure you will be satisfied with the outcome.*

*2/5/06*  
*Officer-in-Charge*  
*Rangapara North G.R.P.*  
*Dist. Assam G.R.P.*  
*Final report to*  
*on 2/5/06*  
*Encl - 10/06*  
*Submitted*  
*2/5/06*  
*Sunit Kumar*  
*(Signature)*

9th March 2006

Day of

Name of constable by whom brought and names of relatives accompanying

DATE AND HOUR OF

Despatch

Arrival at dead house

Emmersion

Information furnished by Police

By whom identified before Medical Officer

1. Walls, ribs and cartilages

2. Pleurae

3. Larynx and trachea

Right lung

Left lung

Pericardium

Heart

Vessels

Injury

Disease or deformity

Fracture

Dislocation

1. Condition of subject stout emaciated, decomposed, etc.

2. Wounds-position, and character.

3. Bruise-position, size and nature

4. Mark of ligature on neck dissection, etc.

1. Skull Head

2. Neck

3. Chest

4. Arms

5. Legs

6. Feet

7. Genitals

8. Perineum

9. Anus

10. Vagina

11. Uterus

12. Bladder

13. Rectum

14. Sigmoid

15. Cecum

16. Appendix

17. Stomach

18. Duodenum

19. Jejunum

20. Ileum

21. Caecum

22. Sigmoid

23. Rectum

24. Anus

25. Vagina

26. Uterus

27. Bladder

28. Rectum

29. Sigmoid

30. Cecum

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163. Rectum

164. Sigmoid

165. Cecum

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169. Jejunum

170. Ileum

171. Caecum

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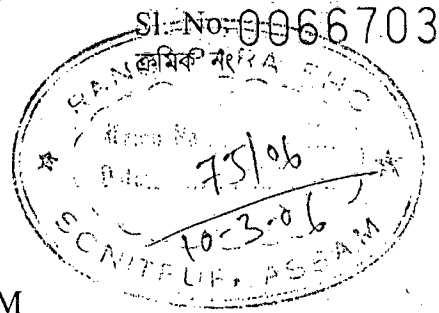
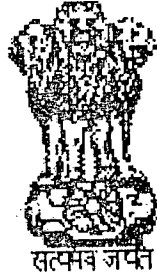
1060. Vagina

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Form No. 6  
ফর্ম নং - ৬



GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেৱা সঞ্চালকালয়)  
CERTIFICATE OF DEATH  
(মৃত্যুৰ প্ৰমাণ 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..... 2006..... Registration unit..... of District..... of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ..... জিলাৰ..... খণ্ডৰ/  
পৌৰসভাৰ..... মৌজাৰ অন্তৰ্গত..... পঞ্জীয়ন গোটৰ পঞ্জীৰ মূল অভিলেখৰ পৰা সংগৃহীত

Name/নাম..... Badal K. Datta  
Sex/লিঙ্গ..... Male  
Date of Death/মৃত্যুৰ তাৰিখ..... 7-3-06  
Place of Death/মৃত্যুৰ স্থান..... Kamrup  
Registration No./পঞ্জীয়ন নং..... 75106  
Date of Registration No./পঞ্জীয়নৰ তাৰিখ..... 10-3-06  
Name of Father/Mother/Husband.....  
(পিতৃ/মাতৃ/স্বামীৰ নাম)

Signature of issuing authority.....  
জাৰী কৰা কৰ্তৃপক্ষৰ চহী  
Designation/পদবী.....  
Date/তাৰিখ.....  
Seal/মোহৰ.....

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See provision 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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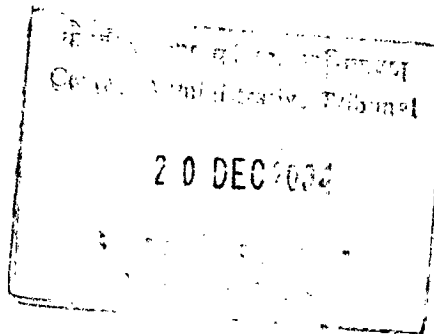
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Place : Guwahati.

Date : 20-12-2004.

Filed by :

  
( K. K. BISWAS )  
Advocate



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File by:  
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 superannuation.
- 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.....

20/12/04  
Advocate

Backed  
for  
Diso

20

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 Taltalla 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 AM/PAN vide his letter No. E/204/PEN/RNH dt: 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.

20  
 New Delhi  
 20/12/04  
 Advocate  
 KV  
 Backed

- 21
- 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, *Save and except payment of Gratuity money for Rs 1,38,097/- by cheque no 3325937 dt. 23.9.04, leaving the balance Rs 32,233/- and other 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 <sup>4.5 and</sup> 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 PLA Bonus for the year 2003 - 2004.

Advocate

Dr. C.

Raoul K.

- (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 412345</sup> ..... dated <sup>18.12.2004</sup> ..... 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 :-**

<sup>b/1,</sup>  
A, B, C, D, E, F.

23  
revised 25/12/04  
Advocate  
Baqel K. Diner



**VERIFICATION**

I, Sri Badal Kumar Dutta, S/o. Late Bonabhat 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<sup>th</sup> day of December, 2004.

Place : Guwahati.

Date : 20/12/2004

Badal KR Dutta

SIGNATURE OF THE APPLICANT

To,

The Deputy Registrar,

Central Administrative Tribunal

Guwahati.

24  
Verified  
20/12/04  
Advocate

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

Office of the  
Divisional Railway Manager(P)  
Rangiya

Dated : .....

CERTIFICATE

1. Name of the Retiring Employee : Badal Kr Beutla
2. Designation (At the time of Retirement/Demise) : Ex JE / 11 / CTD
3. Office/Station from which retired/deceased : SSR (CRW) / RPAN
4. Date of Birth : 20-05-44
5. Date of Appointment : 25-07-65
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 5000-8000/2000
10. P. F. Number : 01787536
11. Details of Family members at the time of Retirement/Demise : 03
12. Name of the dependents:

	<u>Relationship</u>	<u>Date of Birth</u>
i) <u>Madhaba Beutla</u>	<u>Wife</u>	<u>02-01-52</u>
ii) <u>Ashish Kr Beutla</u>	<u>Son</u>	<u>21-01-73</u>
iii) <u>Rupa Beutla</u>	<u>Daughter</u>	<u>15-03-84</u>
iv) _____	_____	_____
v) _____	_____	_____
vi) _____	_____	_____
13. Class of Pass and admissible on Retirement/Demise : 1st class
14. Number of Complimentary Passes admissible
  - a) On Retirement : 2 sets per year
  - b) On demise to the spouse : 1 set per year

Contd..... 2

Medical Officer, Rangiya  
N.F. Railway, Rangiya  
10-06-04

allotted  
relief  
21/04  
Advocate

A-19.11.1966. 8/1 (2)

The details of your pensionary benefits are as under:

<u>Dues</u>	<u>Amount</u> <u>admissible</u>	<u>Deduction</u>	<u>Amount</u> <u>Paid</u>
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.

*quest & verified 20/12/04 Advocate*

*Shum 26/10/04*

Signature of *(Name)*  
Railway, Rangiya

ANNEXURE-B

9  
No. WS/A/Q/1

To,  
DRM (P) ANY ✓  
N.F. Rly.

Office of The  
SE (W) RPN  
Dt-23.4.04

Sub: - Clearance Certificate

This is to certify that the  
Sri Rly Quarter No. 25/A Type-I electrified  
at Taltala Colony RPN has vacated  
by Sri Badal Kr. Dutta, JE/II/(2W)  
RPN on 28.4.03.

The engineering fittings of  
the above said Quarter are found  
correct and plinth area is 35.04 Sqn.

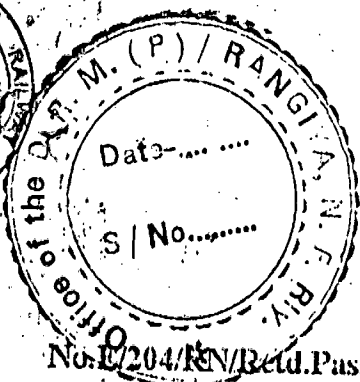
20/4/04  
जनमग माधवराव फ. मणि  
ए.पी. रेलवे हांगापरा नॉर्थ  
Section Engineer (Works)  
N.P. Railway Haugapara North

Copy to: Party concerned

attested  
Bella  
जनमग माधवराव फ. मणि  
ए.पी. रेलवे हांगापरा नॉर्थ  
Section Engineer (Works)  
N.P. Railway Haugapara North

जनमग माधवराव फ. मणि  
ए.पी. रेलवे हांगापरा नॉर्थ  
Section Engineer (Works)  
N.P. Railway Haugapara North

attested  
N.P. Rly  
20/4/04  
Advocate



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

N.F. Railway

ANNEXURE-B/1

Office of the  
DRM (P) RNY

Dated: 13/08/04

To,  
The AM/RPANT  
N.F. Railway

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

कृते मजबूत DRMP/RNY (फार्मिक)  
For DRM (P) RNY  
रंगिया मंडल  
N. F. Rly. Rangiya

Recd  
31.8.04

क्षेत्रीय प्रमुख  
पु.सं.रेलवे/ रंगियापड़ा मथ  
Area Manager  
N.F. Rly./Rangapara North

कृते मजबूत DRMP/RNY (फार्मिक)  
For DRM (P) RNY  
रंगिया मंडल  
N. F. Rly. Rangiya

अल्ल  
रंगिया मंडल  
20/12/04  
Advocate

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

11  
ANNEXURE-C

To:  
The Divisional Railway Manager  
N.E. Railway,  
Rangiya.

Sir,

Subj:- 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 Taltslla 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.

Thanking you.

Rangaparanorth

Date 18th June/2004.

Yours faithfully,

Badal Kr Dutta -  
Ex: - JE/II/RPAN  
DI- 18-6-2004 -

attested  
20/7/04  
Advocate

12  
प्राप्ति-स्वीकृति (सोद) / ACKNOWLEDGEMENT

ANNEXURE-D

30

\* एक रजिस्ट्री पत्र / पोस्ट कार्ड / पेकट / पैरल प्राप्त हुआ  
क्रमांक

\* Received Registered Letter/ Postcard/ Packet/ Parcel No.

पाने वाले का नाम श्री R. K. UPADHYAY

Addressed to (पाने वाले) Divisional Rly. Manager,

NERLY, Rangiya.

2. O. RANGIYA (R.S.)

Dist. Kamtiw/o (Aodam)

बितरण की तारीख 19 पाने वाले के हस्ताक्षर / Signature of addressee

Date of Delivery

\* अनावश्यक को काट दिया जाये / Score out the matter not required

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

attested  
20/12/04  
Advocate

37

६-३१४४३४४४

आर. पी. 54  
R.P.-54

भारतीय डाक-विभाग

तारीख-मोहर

DEPARTMENT OF POSTS, INDIA

प्रेषक डाकघर की नाम-मोहर  
Name- Stamp of office of post (in)



Date Stamp

भेजनेवाले का पता / Sender's Address

Badal Kumar Datta, Ex-JE/1/ew  
TALTALA COLONY, RANGAPARA, L  
P.O. RANGAPARA. Dist. Sonitpur (Assam)

पिन/Pin

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

वैलेट  
२०/१२/०४  
Advocate



TO,  
The Divisional Railway Manager  
R.E. Railway,  
Kangriya.

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 RE/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 Medical 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 an appeal dt. 18.6.04 to you but till date no response is received from your 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.

Date 28th July/2004.

Yours faithfully,

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

*attested*  
*28/7/2004*  
*Advocate*

32

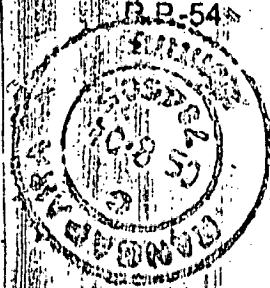
14

ANNEXURE - F

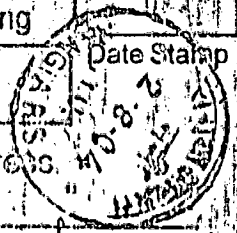
आर. पी. 54  
R.P. 54

भारतीय डाक-विभाग  
DEPARTMENT OF POSTS, INDIA

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



RL 844 / 30/7/04



भेजनेवाले का पता / Sender's Address

Badli Kr. Dalia  
V.U. Tal-hala Colony / Rangapur  
P.O. Rangapur, Dist. Sonbhadra (Bihar)

पिन/Pin 784505

attested  
by  
30/7/04  
Advocate

٥٤

क्रमांक

No.

The Director of Rly. Manager

Alkali, Raopiyadin, 0

District: Kashmir

12/10/2011

[illegible]

19 पाने वाला के हस्ताक्षर / Signature of addressee

re of address  
required.

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