

50/100

2

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A/T.A No. 308/2005  
R.A/C.P No.  
E.P/M.A No.

1. Orders Sheet.....OA.....Pg. 1.....to. X.....
2. Judgment/Order dtd. 16.12.2005.....Pg. 1.....to. 3.....8/12.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....308 308/05.....Pg. 1.....to. 15.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Subika  
07.11.17

FORM NO. @  
(See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 308/05  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant(s) J. Gangopadhyay  
Respondent(s) U.O. & Govt.

Advocate for the Applicants G. P. Bhowmik, J. Prakashastha  
G. Saikia

Advocate for the Respondent(s) CGSC  
✓ Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

This application is in form  
is filed/C. P. for Rs. 50/-  
d posted vide IPC/B  
No. 260/317497  
Dated 12-12-05

16.12.2005

The application is disposed of at  
the admission stage itself in terms of  
the order passed in separate sheets.

[Signature]  
Vice-Chairman

[Signature]  
Dy. Registrar

mb

Steps taken with  
envelops.

[Signature]

27.12.05

Carta find copy of the order  
has been collected by the  
Advocate for the applicant  
a copy of the same has been  
sent to the office for issuing  
the Railway S.C.

sh

Contd.....

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.**

O.A. No. 308/2005

DATE OF DECISION: 16.12.2005.

Sri J. Gangopadhyay

APPLICANT(S)

Mr. G.P. Bhowmick, Mr. J. Purkayastha  
Mr. G. Saikia

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. J.L. Sarkar, Railway S.C.

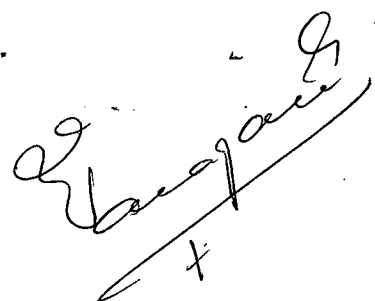
ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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 Vice-Chairman.

.....  
  
+ no

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 308/2005

Date of Order : This the 16<sup>th</sup> December 2005.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Shri Jyotirmoy Gangopadhyay  
Son of Late Jitendra Mohan Ganguli  
Khaliamari Road (Near SBI)  
P.O., P.S. & District - Dibrugarh.

... Applicant

By Advocates : Mr. G.P. Bhowmick, Mr. J. Purkayastha and Mr. S.  
Saikia.

- Versus -

1. Union of India,  
Through the General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 11.
2. Financial Advisor & Chief Accounts Officer,  
(in short FA & CAO) N.F. Railway,  
Maligaon Rly, Head Quarter,  
Guwahati - 11.

... Respondents

By Advocate : Mr. J.L. Sarkar, Railway S.C.

ORDER ( ORAL )SIVARAJAN. J. (V.C.)

The applicant entered in service under the Respondents in 1964 and retired on 31.10.2004 on attaining superannuation. A pension pay order (Annexure - I) was issued to the applicant, as per which the applicant is entitled to a sum of Rs. 2,45,471/- by way of DCRG and another sum of Rs. 3,01,599/- towards commutation value. However, only provisional pension was sanctioned to the applicant.

2. The present grievance of the applicant is that the respondents have not so far disbursed the retirement benefits due to the applicant. It is stated that withholding of the said benefits is on account of certain charges framed against certain employees in which the applicant was also a witness.

3. Mr. G.P. Bhowmick, learned counsel for the applicant submits that as on date of superannuation of the applicant there was neither any charges framed against the applicant nor any amount was due to be paid by the applicant to the Railways. Counsel further submits that there was absolutely no justification for withholding the retirement benefits due to the applicant, that too inordinately. Counsel further submits that various representations were sent to the respondents for early disbursement of the dues and a detailed representation was sent on 20.10.2005 (Annexure - V) which has not yet been disposed of.

4. Mr. J.L. Sarkar, learned Standing counsel for the Railways without going into the merits of the matter, submits that since the applicant has submitted a detailed representation (Annexure - V)



pointing out all the circumstances, the 1st Respondent, the General Manager, N.F. Railway, Maligaon will consider the same and pass appropriate order in accordance with law without further delay.

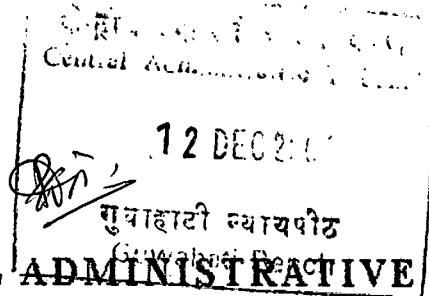
5. I think it is an appropriate course to be adopted. In the circumstances the O.A. is disposed of at the admission stage itself with a direction to the 1st Respondent named above to dispose of the annexure - V representation dated 20.10.2005 within a period of two months from the date of receipt of this order by a speaking order.

The O.A. is disposed of as above at the admission stage itself. The applicant will produce this order before the 1st respondent within ten days from today for compliance. Issue urgent copy.



( G. SIVARAJAN )  
VICE CHAIRMAN

/mb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Guwahati Bench

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

O.A. NO. 308 /2005

Sri Jyotirmoy Gangopadhyay ..... Applicant

-Vs-

Union of India & Ors. .... Respondents

I N D E X

<u>S1.No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page No.</u>
1.	Memo Appeal		1 - 9
2.	Copy of Pension Order	I	10 - 11
3.	Copy of letter Dt. 8.7.05	II	12
4.	Copy of representations- respectively.	III, IV & V	13 - 15

Filed by:

Jayati Purkayastha

Advocate. 12.12.05

9

### LIST OF DATE

- 1964 : The initial appointment of the applicant as Accounts Clerk (CG-I) under FA & CAO and posted at Dibrugarh.
- 1971 : Service of the applicant was confirmed as Accounts Clerk (CG-J)
- 1989 : The applicant by option shifted to the post of 'Stock Verifier' under the direct control of the office of FA & CAO, N.F. Railway, Maligaion. A round 617 years prior to retirement the applicant got promotion to the post of 'Senior Stock Verifier'.
- ✓ 31.10.04 : The applicant retired on 31.10.04 from the Service on attaining superannuation.

On the last day of his retirement i.e. on 31.10.04 pension pay order was handed over to the applicant where the amount of DCRG of Rs.2,45,471/- only and the amount of commutation value of, Rs.3,01,599/- only were kept with held.

- July 2005: After a few months of persuasion in various level he could get release of the provisional monthly pension leave salary etc.



8.7.05 : The applicant received letter issued from the office of the FA & CAO/CPB, N.F. Railway. Maligaion, wherein it was informed that pension dues of the applicant could not be released due to the cases for which two FIR were registered by SP/CBI/SEB/Guwahati.

9.9.05 : The applicant made representations to  
14.10.05 the respondent no.2 by his letter dated-  
& 9.9.05 & 14.10.05 praying to release  
20.10.05 the retirement dues. The applicant on 20.10.05 made an appeal to the General Manager N.F. Railway Maligaion for early payment of the retirement dues.

Filed by :-

Jayati Purkayastha  
Advocate.

12.12.05

Filed by:  
The Petitioner  
Through  
Jyoti Prakash  
Advocate.

Jyoti Prakash  
12-12-05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Guwahati Bench

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

O.A. NO. 308 /2005

In the Matter of :

Sri Jyotirmoy Gangopadhyay,  
Son of Late Jitendra Mohan Ganguli,  
Khaliamari Road (near SBI)  
P.O., P.S. & Dist. Dibrugarh. .... Applicant

- Versus -

1. Union of India,  
Through the General Manager,  
N.F. Railway, Maligaon  
Guwahati-11.
2. Financial Advisor & Chief Accounts Officer,  
(in short FA & CAO) N.F. Railway,  
Maligaon Rly, Head Quarter,  
Guwahati-11. .... Respondents

Details of application:

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

- i) Pension pay order i.e. PPO No. 0101040133  
issued from the Office of the FA & CAO, N.F.  
Railway, Maligaon, to the applicant on

Contd. ....p/2

13  
Sd/-  
[Signature]  
[Signature]

31.10.2004 mentioning the amount of DCRG & Commutation value of pension withheld.

- ii) Letter No. PNO/CPB/P&S/Closed/1103/JG dated 6.7.05 issued on behalf of F.A. & C.A.O/CPB. N.F. Railway Maligaion.

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 declares that the application is not time barred and 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 a citizen of India and as such entitled to the rights and privileges guaranteed under the constitution of India and laws framed thereunder:

4.2) That the applicant was initially appointed as Accounts Clerk (CG-I) under the FA & CAO and posted at Dibrugarh workshop Accounts Office, Dibrugarh in the year 1964. His service was confirmed as Accounts clerk (CG-I) in the year 1971.

4.3) That in the year 1989 the applicant by option shifted to the post of 'stock verifier', posted at Dibrugarh under direct control of the office of FA & CAO, N.F. Railway, Maligaion.

12  
Jyoti Prakash Singh

4.4) That around 6/7 years prior to retirement the applicant got promotion to the post of 'Senior Stock verifier', and in that capacity he retired from the service on attaining the age of superannuation on 31.10.04.

4.5) That on an invitation from the office of the FA & CAO N.F. Railway, Maligaon, the applicant attended the valedictory function on the last day of his retirement i.e. on 31.10.04 when a pension pay order bearing PPO no. 0101040133 was handed over to the applicant by the respondent no.2; wherein all the particulars regarding entitlement of pensionary benefits by the applicant were given in detail. In the said order the amount of DCRG of Rs.2,45,471/- only and the amount of commutation value of Rs.3,01,599/- only were kept withheld.

A copy of the said pension order is filed hereto and marked as Annexure-I.

4.6) That the applicant accordingly has gone on retirement after the last date of his service i.e. on 31.10.04 and after a few months of persuasion in various level he could get release of the provisional monthly pension leave salary etc. till July 2005; but the amount of DCRG & pension commutation value has not yet been paid inspite of several representations made by the applicant to the respondent no.2.

4.7) That the applicant with reference to his representation dated 22.6.05 received the letter No. PNO/CPB/P&S/Closed /1103/ JG dated 8.7.05 issued

from the Office of the FA & C.A.O./CPB, N.F. Railway, Maligaon, wherein it has been mentioned that the proceeds of DCRG of the applicant could not be released due to the cases for which two FIR were registered by S.P/CBI/SEB/Guwahati, which were under process and yet to be finalized and that the final action on the same would be taken on receipt of communication from vigilances Dept. /N.F. Rly/Maligaon.

A copy of the said letter dated 8.7.05 is filed hereto and marked as Annexure-II.

4.8) That the applicant in this connection states that he along with 4 other officials from accounts departments were called by CBI, Inspector by letter dated 29.11.02 addressed to Chief Vigilance Officer, N.F. Rly, Maligaon which was followed by FA & CAO and their statements were recorded, and there after no communication was made to the applicant in this connection. It is pertinent to mention here that out of those five persons one Mr. S.K. Chatterjee was already a retired person, two persons got promoted and the applicant on reaching superannuation retired on 31.10.04.

4.9) That the petitioner thereafter made representation to the respondent no.2 by his letter dated 9.9.05 and 14.10.05 praying to release the retirement dues viz DCRG & commutation value mentioning his urgent need. The applicant lastly on 20.10.05 made an appeal to the General Manager N.F. Railway, Maligaon for early payment of the retirement dues.

Contd. ....p/5

*Handwritten signature*

Copy of the said representations of the applicant are filed hereto and marked as Annexure -III, IV & V respectively.

4.10) That the applicant begs to submit that he has put in 40 years of devoted service to the department and on the day of retirement i.e. 31.10.04 he had no charges framed against him nor anything was due to be paid by him to the railways and no cognizable ground based on which withholding of retirement benefits could be made. However, on specific prayer for releasing the withheld leave salary amount the same was released. The non-payment of the retirement benefits had a serious demoralizing affect on the applicant and frustrated the integrated future plan of his family. The applicant is passing through financial hardship with his old ailing mother and two children who are still prosecuting their education and the family is wholly dependent upon him.

4.11. That the applicant begs to state that the Respondents authority have by withholding the amount of DCAG and commutation value and also caused delay in the process of settlement of the dues without any valid reason and as such the applicant is entitled to interest thereon at the Bank lending rate.

5. Grounds for relief with legal provision:-

5.1) For that, the action of the respondent authority by withholding the amount of DCRG and commutation value of pension for such a long period after retirement

Contd. ....p/6

15  
Sd/-  
Secretary  
15

of applicant is illegal, arbitrary and malafide is necessary.

5.2 For that, the action of the respondent by withholding the retirement benefits and the inordinate delay in the process of settlement of the dues effected the livelihood of the applicant and his family members and as such there is violation of the Article 14 and 21 of the constitution of India.

5.3) For that, the applicant has rendered service to the N.F. Railway for a continuous period of more than 40 years and thereby completed the statutory period of qualifying service; so the amount of DGRC is a part of emolument earned by the applicant in course of his service which is neither a bounty to be distributed by the government nor an ex-gratia payment.

5.4) For that, the applicant had retired from service on 31.10.04 and no manner of charge or departmental proceeding was initiated against him and as such the respondent authority has caused great injustice to the applicant for withholding the payment without any valid reason.

5.5) For that, the instant case is a glaring instance of such culpable delay in the settlement of the amount of gratuity for more than one year and as such the respondent authority is liable to pay penal interest to the applicant.

5.6) For that, the impugned action has caused great hardship and injustice to the applicant.

16  
Gautam Singh  
Gautam Singh

5.7) For that, the impugned action of the respondents is violative of Article 14, 19, 21 and 311 of the Constitution of India.

5.8) For that the impugned action is violative of the principles of the Doctrine check and Balance.

5.9) For that the impugned action is violative of principles of natural justice and administrative fair play.

5.10) For that, the impugned action is violative of the principles of reasonableness, value and power in as much as violative of the principles of equity and equitable remedy.

5.11) For that, in any view of the matter the impugned action of the respondents are liable to be interfered with.

6. Details of remedy exhausted

That there is no other alternative and efficacious remedy available to the applicant except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority or any other bench of this Hon'ble



Tribunal nor any such, application, writ petition or suit is pending before any of them.

By order of the  
12

8. Relief prayed for :-

Under the facts and circumstances stated above in this application the applicant prays for the following reliefs:-

8.1) a directing to the respondents to release the pension benefits due to the applicant. Viz;

8.2) a direction to the respondent to pay interest on the aforesaid due at the bank lending rate.

8.3) to pass any other order or orders as deem fit and proper by the Tribunal.

8.4) costs of the case.

9. Application is filed through Advocate.

10. Particulars of I.P.O.

I.P.O No. : 26G. 317497

Date of Issue : 12.12.05

Issued from : Guwahati

Payable at : Guwahati

11. List of Enclosure:

As stated in Index.

VERIFICATION

I, Shri Jyotirmoy Gangopadhyay, Son of Late Jitendra Mohan Ganguli, aged about 61 years, by occupation ex-serviceman, resident of Khalihamari Road (near SBI), P.O., P.S. & District-Dibrugarh, Assam, do hereby verify that the contents of paragraphs 1, 2, 3, 4.1, 4.2, 4.3 & 4.8 are true to my personal knowledge and Para 4.4, 4.5, 4.6, 4.7 & 4.9 believed to be true to legal advice and I have not suppressed any material facts.

Date: 12.12.05

Place: Guwahati.

*Jyotirmoy Gangopadhyay*

# ANNEXURE- I

-10- 19



PPO NUMBER : 0101040133  
(MINISTRY OF RAILWAYS)  
(RAILWAY BOARD)

Dt



ZONAL RAILWAY : NORTHEAST FRONTIER RAILWAY

CORRESPONDENCE TO BE MADE WITH : FA & CAO, MALIGAON

DEBIT TO BE RAISED AGAINST : Northeast Frontier Railway

AUTHORITY : 1] CENTRAL CIVIL SERVICE(PENSION RULE) 1972  
AS AMENDED FROM TIME TO TIME.  
: 2] PROCEDURE LAID DOWN IN THE  
SCHEME FOR PAYMENT OF PENSION  
THROUGH PUBLIC SECTOR BANKS.

TO BE RETURNED TO  
IN THE EVENT OF : FA & CAO NORTHEAST FRONTIER RAILWAY  
HEAD QUARTERS, MALIGAON  
GUWAHATI 781 011

1] Transfer of account from  
one bank to another.

2] Death of both Pensioner  
and family pensioners.

3] Marriage/remarriage of  
the family pensioner.

4] Attaining age of 25  
years by son/daughter.

NAME OF THE PENSIONER : JYOTIRMOY GANGOPADHAYA  
: CC/O-H. P. BHADURY,  
: PO-DURGABARI, TINSUKIA,  
: STATE-ASSAM

IDENTIFICATION MARK : 1. ONE CUT MARK ON FOREHEAD  
2. NIL

CATEGORY OF PENSION : Superannuation

NAME OF THE FAMILY PENSIONER : MRS SHILA GANGULY  
: CC/O-H. P. BHADURY,  
: PO-DURGABARI, TINSUKIA,

Pensioner's Copy/Distribution

*Certified to be true copy*

*Jayati Purkayastha*  
*Advocate*



PART I

\*\*\*\*\*

PARTICULARS OF THE PENSIONER / DECEASED RAILWAY SERVENT

Name of the Railway Servent : JYOTIRMOY GANGOPADHAYA

PF No. : 01727606

Designation [Substantive] : SR SV

Department : ACCOUNTS

Scale of Pay : Rs.6500/- - 10500/-

Unit Office : NG STAFF OF BU - 00033

Date of birth : 01/11/1944

Date of Appointment : 28/10/1964

Date of Retirement/Death : 31/10/2004

Total Service : 40 Years 0 Months 3 Days

Add Weightage : 0 Years 0 Months 0 Days

Less Non Qualifying Service : 0 Years 0 Months 0 Days

Net Qualifying Service : 33 Years (MAX 33 Years)

Last Pay Drawn : Rs.8700/-

Average Emoluments For Pension : Rs.12810/-

Last Emoluments For Family Pension : Rs.8700/-

Last Emoluments For DCRG : Rs.10527/-

Amount of D.C.R.G : Rs.245471/- NOT TO BE PAID BY BANK (Kept with)  
In Words : Rupees Two Lakhs Forty Five Thousand Four Hundred Seventy One Only

Amount of Commutation Value : Rs.301599/- NOT TO BE PAID BY BANK (Kept with)  
TO BE PAID BY BANK (held)  
In Words : Rupees Three Lakhs One Thousand Five Hundred Ninety Nine Only

**ANNEXURE-**

**II**

-12-  
21

**N. F. RAILWAY**

Office of the  
F.A. & C.A.O./CPB.  
Maligaon, Guwahati-11.

No. : PNO/CPB/P&S/Closed/1103/JG

Dated : July 06, 2005

6.7.05

To  
Sri Jyotirmoy Gangopadhyaya  
Ex. Sr. S.V.  
Khalihamari Road  
Dibrugarh - 786001.

Sub. : Non-release of DCRG.

Ref. : Your letter, dated 22-06-2005.

The proceeds of DCRG in favour of you could not be released due to the cases for which 2(two) FIR were registered by SP/CBI/ACB/Guwahati which are under process and yet to be finalized. The final action on the same will be taken on receipt of communication from Vigilance Dept./N.F.Rly./Maligaon. You are also requested to submit your proper address for communication and future correspondence.

This is for your information please.

*[Signature]*  
08/7/05

For F.A. & C.A.O./CPB  
N.F.Railway, Maligaon.

*Certified to be true copy*  
*Jayati Purkayastha*  
*Advocate*

ANNEXURE

III

To  
SJT. SINHA,  
FA & CAO, N.F. RLY.

Date : 9/9/05.

Respected Sir,

Sub.: - Humble prayer for Releasing my retirement  
Benefits.

Ref.: - My personal Representation dt. 17.8.2005.

With honour I like to state that I have completed  
41 years Rly. Accounts Service and retired on 31/10/04. My  
pensionary benefits kept withheld.

That Sir, on the day of my superannuation there  
was no any charge sheet framed against me and any due to be  
paid to Railways.

That Sir, being the only earning members of the  
family consisting ailing mother aged 92 years and two dependent  
children both are student, I am in great financial hardship.

Sir, I like to request your honour to be kind  
enough to consider my case and help me reduce my financial  
hardship.

With regards,

Yours faithfully,

(JYOTIRMOY GANGOPADHAYA. )  
Retd. Sr. Stockverifier,  
N.F. Rly.  
KHALIHAMARI ROAD,  
NEAR STATE BANK,  
DIBRUGARH.  
786001.  
Ph.No. 0373-2321113.

Certified to be true copy  
Jayanti Phukayastha  
Advocate

ATTENTION IV

-14-23

SJ- R. K. SINHA  
FACAO, NE RLY

FAX 0361/2676012

Respected Sir,

Ref: My Personal Interview dt. 1/13/05  
& Fax dt. 9/9/05.

Sub: Prayer for releasing withheld  
retirement Benefits. Date  
of Retirement 31.10.04.

With honor I like to draw your kind  
attention after completing 41 yrs Rly Accounts Service I  
retired on 31/10/04 and my retirement benefits  
ie. DCRG & Commutation amount kept withheld though  
there was no charge framed against me nor any  
thing due to be paid to Rly.

The non payment of benefits had a  
serious demoralizing effect and frustrated  
the integrated future plan of my family.

Your honor, In this connection I  
referred in my previous appeals the ruling of  
Accounts Code Chapr X Para 1051 for reference.

Sir, Since about an year that I am  
passing financial hardship with my 92 yrs  
old ailing mother and two student son &  
daughters, please consider my hardship.

Thanking you in anticipation.

With regards,

Yours faithfully,  
G.B.  
14.10.05

(JYOTIRMAY GANGOPADHAYA)  
Retd. Sr. Stock Exchange  
KHALIHAMARI RD  
DIBRUGARH - 786001

Certified to be true copy 0373/2321113.  
Jayati Purkayastha  
Advocate

# ANNEXURE—

V

- 15 -  
29

To  
The General Manager  
N.F. Railway,  
Maligaon

Sub Appeal against non-payment of retirement benefits

Respected Sir,

I am constrained to bring to your notice the following fact for favour of you and consideration and sympathetic orders.

That Sir, after putting in over 40 years of dedicated service I retired on superannuation on and from 31<sup>st</sup> October 2004 as Sr. Stock Verifier under F.A. & CAO, Maligaon. On the day of retirement Pension Pay Order and deposits under Provident Fund were only handed over I was denied other benefits like leave Salary, Gratuity and Commutation value for Pension without assigning any reason. The discriminatory truncated retirement benefits had a terrible demoralizing affect on my person including other member of my family as the future planning of the family received a serious jolt.

That Sir, on enquiry I gathered that the decision for non payment /withholding of other benefits like Leave Salary, Gratuity and Commutation value for Pensions was taken due to a pending CBI investigation case where I was also called for examination alongwith other eight officials on 17-12-2002.

That Sir, in this connection I would like to assert that on the day of superannuation neither any charges were framed against me nor any amount was due to be paid by me to the railways. I, therefore, find no cognizable ground based on which the withholding of retirement benefits could be made by my employer. However, realizing the voidness in the action taken, my employer released the withheld Leave Salary after about six months from the day of retirement.

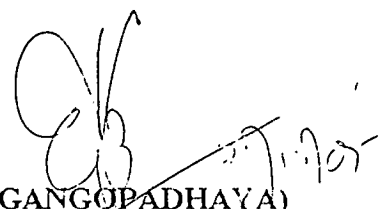
That Sir, I hold the action taken in withholding retirement benefits due to me not only unjust but discriminatory as well on the ground that Sri S.K. Chatterjee, Retd. SV and Sri Dipak Achary, Retd. SV who were also among the other eight officials examined by CBI and against whom similar investigation has been pending, have been favoured with all retirement benefits due to them.

In the context of the fact stated hereinabove I would pray to your goodself kindly to issue necessary instructions for releasing the withheld retirement benefits due to me (gratuity & Commutation Value of Pension) at the earliest in as much as I have been facing an uphill task to square the demands of my children one of whom is still in school and the other in his midway to MBA course while my nonagenarian mother needs medication for her survival.

I strongly believe that you will examine the case with reference to the rules and do away with the unjust and discriminatory action taken so far which, if done, would go a long way in settling my post retirement life without having to knock legal doors for redressal.

With lacerated heart I await your decision.

Yours faithfully,



(JYOTIRMOY GANGOPADHAYA)  
Ex. Sr. Stock verifier, N.F. Railway  
Khakihamari Road  
Near SBI, Dibrugarh -786001

**Certified to be true copy**

Jayanti Purokayastha  
Advocate