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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T/A No. 294/2006..

R.A/C.P No.

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SECTION OFFICER (Judl.)

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH:

1. Original Application No. 294 / 2006
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Sri R.K. Das

Respondant(S) Union of India & ors.

Advocate for the Applicant(S) MR S. Huda, A. H. H. H.

Advocate for the Respondat(S) Standing Counsel, Railway.

Notes of the Registry	Date	Order of the Tribunal
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4.12.06

Heard counsel for the parties.

Hearing concluded. The O.A is disposed

of in the admission stage in terms of

the order kept in separate sheets.

No costs.

Vice-Chairman

This application is in form
is filed/C. F. F. Rs. 10/-

deposited vide P.L.D.

No. 286 932862

Dated 29.11.06

for Dy. Registrar

pg

Steps taken.

Reviewed
(For Mr. J.L.S.)
R.Y.S.C.
7/12/06

7.12.06

certified copy of
the final order has
been collected by Mr
A/Adv. for the applicant
AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 294 of 2006

DATE OF DECISION 04.12.2006

Shri Radha Kanta Das

.....Applicant/s

Mr. S. Huda

.....Senior Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors.

.....Respondent/s

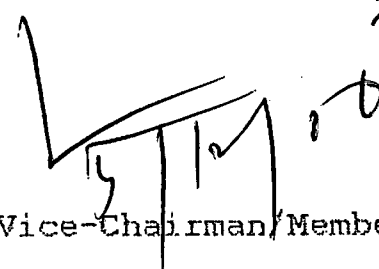
Dr J.L. Sarkar, Railway standing counsel

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Original Application No. 294 of 2006.

Date of Order : 'This the 4th Day of December, 2006.

THE HON'BLE MR K.V.SACHIDANANDAN, VICE CHAIRMAN.

Shri Radha Kanta Das,
Ex-CC/COM/Lumding,
Presently residing at village
Pub Salmara, P.O. Phulaguri,
District Nagaon, Assam

....Applicant

By Advocate Mr S. Huda

- Versus -

1. The Union of India,
represented by the Secretary,
Ministry of Railways,
Government of India,
Rail Bhawan,
New Delhi-110001.
 2. The General Manager (P)
N.F.Railway, Maligaon,
Guwahati-11.
 3. Divisional Railway Manager (P)
N.F.Railway, Lumding,
P.O. Lumding, Dist. Nagaon, Assam.
- ...Respondents

By Dr. J.L.Sarkar, Railway standing counsel

ORDER

K.V.SACHIDANANDAN (V.C)

The applicant joined as Junior Commercial Clerk in the N.F.Railway subsequently promoted to Chief Commercial Clerk and superannuated on 30.11.1991 as Chief Clerk (Commercial) under Lumding Division. At the time of his transfer from Lumding to Guwahati In 1988 he was occupying a Railway quarter at Lumding in 1988 and retained the same within the permissible period as his wife was totally

✓

bed ridden and undergoing treatment and the transfer of the applicant was also purely temporary and he occupied the same till his retirement i.e. 30.11.1991. Now by Annexure-1 impugned order the Railway authority sought to recover an outstanding dues amounting to Rs.4,36,563/- from his pensionary benefit. Aggrieved by certain action of the respondents the applicant filed this O.A seeking the following reliefs.

"To dispose of the appeal/representation dated 27.9.2006 (Annexure-2) with a further prayer for setting aside and/or quashing the impugned letters/orders dated 24.8.2006 and 30.10.2006 (Annexures 1 & 3) directing the respondents to release the pension of the applicant regularly without any further delay by setting aside and/or quashing the impugned orders/letters (Annexures-1 & 3 for the ends of justice and fair play."

The contention of the applicant is that after 15 year of his retirement the respondents are not justified in passing such impugned order Annexure-1 & 3.

2. Heard Mr S.Huda, learned counsel appearing for the applicant and Mr J.L.Sarkar, learned Railway standing counsel for the respondents. When the matter came up for hearing, learned counsel for the applicant submitted that the applicant has already filed an appeal/representation dated 27.9.2006, Annexure-2 before respondent No.3 in the O.A. and he will be satisfied if a direction is given to the 3rd respondent to consider and dispose of the said appeal/representation within a time frame. In the interest of justice this Tribunal direct the 3rd respondent or any other competent authority of the respondents to consider and dispose of the appeal/representation dated 27.9.06 of the applicant within a period of 3 months from the date of receipt copy of this order. The applicant is at liberty to file further representation/documents, if any within 10 days from today. The respondents are further directed to permit applicant's

representative to have a personal hearing on the matter. It is further made clear that as reflected in the impugned order the respondents have no proposal to deduct any pension but the deduction if any will be only from relief on pension which may be adhered to.

The O.A is disposed of as above. In the circumstances no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

X

294/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

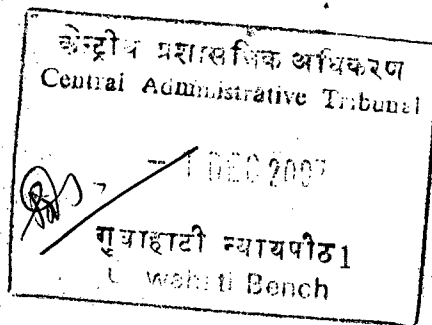
ORIGINAL APPLICATION NO. _____

1. a) Name of the Applicant:- R.K. Das.
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/No.
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No.
9. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.
11. Is the application by IPO/DD/For Rs: 5/- 286 932862
12. Has the application is maintainable :- Yes/No.
13. Has the Impugned order original duly attested been filed :- Yes/No.
14. Has the legible copies of the annexures duly attested filed:-Yes/No.
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench.
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
The application is in order.

SECTION OFFICER(J)

DEPUTY REGISTRAR

PAI.



DISTRICT : NAGAON.

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI
GAUHATI BENCH .**

O.A. No. 294 OF 2006

SRI RADHA KANTA DAS

APPLICANT.

-VERSUS-

The Union of India and others

RESPONDENTS

SYNOPSIS

The meager amount of pension fixed on the basis of surmises and conjecture vide Memo No.LMG/PBN/BFG/3213 dated 22.4.1993 , which the applicant has been getting till 31.9.2006 after his relentless effort, has now been stopped by the Railway authority by issuing a Memo No.L/No.LMG/Pen/TFC/3213 dated 30.10.2006 arbitrarily ignoring the principle of natural justice and fair play with the threatening that there shall be curtailment in the amount of gratuity and to impose unreasonable penalty on the applicant which has been

SC - 1991

assessed at an amount of Rs.4,36,563/- towards alleged retention of Railway quarter, which is unrealistic and against the established rules, procedures, norms, guidelines and various circulars issued by the Railways Board. The communications referred to above have been issued after 15 years of retirement of the applicant which cannot be conceived of having a fair deal in the above facts and circumstances. The DPO, Lumding by his letter dated 24.8.2006 advised the applicant to deposit an amount of Rs.4,36,563/- within a period of 15 days and thereafter the applicant filed an application on 27.9.2006 denying all the allegations of outstanding amount brought against the applicant. Having received the said application, The Divisional Accounts Officer, (DFM), Lumding issued a letter on 30.10.2006 informing the applicant about the sanction for recovery of outstanding railway dues from the applicant to the tune of Rs.4,36,563/-. The Applicant has therefore approached this Hon'ble Tribunal by means of this Original Application with the prayer that this Hon'ble Tribunal may be pleased to direct the Respondents to dispose of the appeal/representation dated 27.9.2006 (Annexure-2) with a further prayer for

S. Nanda
1991-12/10

setting aside and/or quashing the impugned letters/orders dated 24.8.2006 and 30.10.2006 (Annexures-1 & 3) directing the respondents to release the pension of the applicant regularly without any further delay by setting aside and/or quashing the impugned orders /letters (Annexures-1 & 3 for the ends of justice and fair play.

FILED BY -

Abdul Hai
(ABDUL HAI)

ADVOCATE.

Dist. Nagaon.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI

O. A. No. 294 /2006

SRI RADHA KANTA DAS

... Applicant

-versus-

THE UNION OF INDIA & OTHERS

... Respondents.

List of date

1. 24.08.2006 : Communication issued by the D.P.O./Lumding for D.R.M.(P)
2. 27.09.2006 : Representation denying the allegation.
3. 30.10.2006 : Recorded sanction for recovery of outstanding Railway dues violating the Railway Rules/norms.

I N D E X

1. Petition.	—	1-13
2. Verification.	—	14
3. Annexure - 1.		
4. Annexure - 2.		
5. Annexure - 3.		

Radha Kanda Das
petitioner
Filed by
A. H. Das
ADVOCE
28-11-2002

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION NO. 294 OF 2006

IN THE MATTER OF :

An application under Section 19 of
the Central Administrative Tribunal
Act, 1985.

-AND-

IN THE MATTER OF :

1. SHRI RADHA KANDA DAS,
Ex-CC/COM/LAMDING,
Presently residing at Village
Pub Salmara, P.O. Phulaguri,
District Nagaon, Assam

APPLICANTS.

-VERSUS-

1. The Union of India,
represented by the Secretary,

Ministry of Railways,
Government of India,
Railway Bhawan,
New Delhi- 110001.

2. The General Manager (P),
N.F.Railway, Maligaon,
Guwahati-11.

3. Divisional Railway Manager (P),
N.F.Railway, Lamding,
PO Lamding

RESPONDENTS.

DETAILS OF THE CASE OF THE APPLICANT:

**(i) PARTICULARS OF THE ORDER ETC. AGAINST
WHICH THE APPLICATION IS MADE :**

The application is directed against the impugned communication dated 24.8.2006 under Memo No. E/FS/TFC/1191 issued by the DPO, Lamding for Divisional Railway Manager (P) Lamding followed by impugned sanction for recovery of alleged outstanding railway dues from the applicant contained in Memo

No.LMG/Pen/TFC/3213 dated 30.10.2006 violating the existing norms, official procedures and the guidelines issued under various Railway Board's Circulars etc.

(2) JURISDICTION :

The Applicant declares that the subject matter of the application against which the Applicant prays for redressal is within the jurisdiction of the Hon'ble Tribunal for judicious adjudication of the grievances of the applicant.

(3) LIMITATION :

The applicant declares that this application is filed within the time limit prescribed under Section 21 of the Administrative Tribunal Act, 1985 for filing such application.

(4) FACTS OF THE CASE :

(I) That the applicant begs to state that he was appointed as a Junior Commercial Clerk on 21.5.1955 and posted at Landing Division of the N.F.Railway and thereafter he was promoted to the post of Chief Commercial Clerk at

Lamding. Thereafter, the applicant was transferred to the Area Office at New Guwahati in the same post and in the same scale in the year 1988. The Applicant was promoted to the post of OS/DCS/Lamding to which post he could not join. The applicant retired from service on superannuation on 30.11.1991 as Chief Clerk (Commercial), Area Office at Guwahati under Lamding Division.

(II) That the applicant begs to state that while he was at Lumding, he was allotted a Railway Quarter bearing No.105(A) at Relief Yard Colony. At the time of his transfer in the year 1988 to the Area Office, New Guwahati under the Lamding Division of NF Railway, he had to retain the quarter at Lamding within the period permissible by Rules as his wife was totally bed-ridden where she was continuing follow up treatment and the transfer of the applicant to Guwahati was purely temporary and proposed to return to Lamding again on promotion the said quarter remain allotted to the applicant till he was retired from service on 30.11.1991. It may be mentioned here that after the retirement of the applicant, the quarter had to be retained by him for a period of 8(eight) months with due permission from the authority

R. Dha Kantar
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concerned when the wife of the applicant was lying ill. Thereafter, the applicant vacated the quarter and approached the authority to take over the quarter, which was allotted to one Shri R.K.Chakraborty, Junior Clerk (Commercial) vide his allotment order dated 2.12.1991. It may be pertinent to mention here that although the applicant retired from service 30.11.1991, the Railway authorities failed to pay off his final settlement dues including pension, leave salary and gratuity etc. on the alleged ground that the administration failed to trace out and/or it lost the personal file and leave account register of the applicant, which may be evident from the letter issued by CVO/Maligaon under Memo No.2/VIG/94/1/43/87 dated 20.4.1992. However, on the persistent efforts of the applicant, the Railway authority released pension and other entitlements of the applicant on the basis of an imaginary conclusion, which required thorough study of personal file and relevant records to arrive at a definite conclusion. The state of affairs stated above have caused undue delay in the matter of arriving at a final decision to grant accurate amount of pension and other entitlements including gratuity to the applicant.

(III) That the applicant begs to state that due to old age ailment both his wife and the applicant are presently running dilapidated health and due to non-receipt of adequate amount of pension and other pensionary benefits they have not been able to go for appropriate medical attention. In such circumstances, the applicant has been expecting that the administration will pay him the accurate entitlement of his retirement dues after getting the lost personal file of the applicant. But to the utter surprise of the applicant, all on a sudden, he received a letter under Memo No.E/FS/TFC/1191 dated 24.8.2006 from the DPO/LMG for DRM(P) Lumding, inter alia, claiming that the applicant is l to pay/refund a big amount towards retention of Railway Quarter beyond permissible limit. The aforesaid letter, which is a bolt from the blue to the applicant, mentions an absurd proposition so far the administrative Rules are concerned towards retention of Railway Quarter by an employee beyond permissible limit. No Railway employee can withhold Railway property for perpetuity so is the case with Railway quarter.

The aforesaid letter of the DPO/Lumding issued for and on behalf of DRM(P) Lumding is nothing but a device to suppress and/or hide the fault of the Railway administration in the matter of injustice perpetrated against its own retired S.C. employee to pay off the accurate entitlement on the basis of final settlement of retirement benefits and on the failure to finally settle the entire retirement benefits including the pension, the Railway Administration has taken a baseless ground of losing the personal file and leave register of the applicant as reflected in the letter under Memo No.Z/VIG/94/1/43/87 dated 20.4.1992 issued by the CVO/Maligaon, which is nothing but sheer lies on the part of the Railway Administration.

(IV) That the applicant begs to state that the meager amount of pension fixed on the basis of surmises and conjecture vide Memo No.LMG/PBN/BFG/3213 dated 22.4.1993, which the applicant has been getting till 31.9.2006 after his relentless effort, even payment of the same has now been stopped by the Railway authority by issuing a Memo No.L/No.LMG/Pen/TFC/3213 dated 30.10.2006 arbitrarily ignoring the principle of natural justice

and fair play with the threatening that there shall be curtailment in the amount of gratuity and to impose unreasonable penalty on the applicant which has been assessed at an amount of Rs.4,36,563/- towards alleged retention of Railway quarter, which is unrealistic and against the established rules , procedures, norms , guidelines and various circulars issued by the Railways Board.

(V) That the applicant begs to state that the communications referred to above have been issued after 15 years of retirement which cannot be conceived of having a fair deal in the above facts and circumstances.

(VI) That the applicant begs to state that without any rhyme and reason, the DPO, Lumding by his letter dated 24.8.2006 advised the applicant to deposit an amount of Rs.4,36,563/- within a period of 15 days and thereafter the applicant filed an application on 27.9.2006 denying all the allegations of outstanding amount brought against the applicant. Having received the said application, The Divisional Accounts Officer, (DFM), Lumding issued a letter on 30.10.2006 informing the applicant about the sanction for

recovery of outstanding railway dues from the applicant to the tune of Rs.4,36,563/-.

Photocopies of the communication dated 24.8.2006, a copy of the application dated 27.9.2006 filed by the applicant before the authority concerned and copy of the impugned communication dated 30.10.2006 are annexed herewith and marked as **Annexures-1, 2, and 3** respectively to this Original Application.

(VII) That the applicant begs to state that he retired from service on 30.11.1991 and has been receiving the pension fixed on imaginary basis . But the same has been suddenly stopped by the communication dated 30.10.2006, and as such, this application is being filed for a direction to the Respondent authorities to release the regular pension and to set aside and/or quash the impugned order/letter dated 24.8.2006 (Annexure-1) and the letter dated 30.10.2006 (Annexure-3).

(VIII) That the applicant begs to state that if the pension of the applicant is stopped and stay of the impugned orders/letters (Annexures-1 & 3) is not granted then there will be an irreparable loss and injury due to no fault of the applicant.

(IX) That the applicant further begs to submit that the Railway administration may be directed not to give effect to the impugned letters/orders dated 24.8.2006 and 30.10.2006 (Annexures-1 & 3) on the grounds of the same being prepared adopting pick and chose policy, conjectures and surmises violating the existing Rules/Norms/guidelines and the Railway Board's Circulars/Instructions.

(5) RELIEF SOUGHT FOR AND THE GROUNDS :

(a) That the impugned orders/letters have been issued by the Railway authorities without applying judicious mind and without following any procedure violating the

existing Rules/Norms/guidelines and the Railway Board's Circulars/Instructions, and as such, the impugned orders/letters are liable to be set aside and quashed for the ends of justice.

(b) For that the Respondent authority should have considered the appeal/representation of the applicant dated 27.9.2006 (Annexure-2). But the aforesaid appeal/representation has not been disposed of and is lying pending without any action, which is in violation of the principle of natural justice and the procedure established by law and in violation of the provisions of Articles 14 and 21 of the Constitution of India, and as such, the impugned orders/letters (Annexures-1 & 3) are liable to be set aside and quashed for the ends of justice.

(6) GROUND OF EXHAUSTION OF REMEDY, IF ANY :

The applicant has already filed appeal/representation dated 27.9.2006 (Annexure-2) before the authority concerned claiming alteration/modification and/or stay of the impugned orders/letters (Annexures-1 & 3) and thus the applicant has exhausted all the remedies by

filing appeal/representation before the Respondent-authority concerned.

(7) MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURTS :

The applicant declares that he has not filed any suit nor any writ petition before any Court nor any such suit nor writ petition is pending anywhere.

(8) INTERIM ORDER PRAYED FOR:

Pending final disposal of the Original Application, this Hon'ble Tribunal may be pleased to stay the operation of the impugned letters/orders (Annexures – 1 & 3) .

(9) RELIEF SOUGHT FOR :

It is, therefore, prayed that your Lordships may be pleased to admit this application, call for the records of the case, issue notice to the Respondents to show cause as to why a direction should not be issued to them directing

Radhika K. K. 23

them to dispose of the appeal/representation dated 27.9.2006 (Annexure-2) with a further prayer for setting aside and/or quashing the impugned letters/orders dated 24.8.2006 and 30.10.2006 (Annexures-1 & 3) directing the respondents to release the pension of the applicant regularly without any further delay by setting aside and/or quashing the impugned orders /letters (Annexures-1 & 3 for the ends of justice and fair play.

(10) PARTICULARS OF THE I.P.O.

I.P.O. No. - 286 932862

Date - 29.11.06

Payable at - W.P.O.

(11) LIST OF DOCUMENTS :

As stated in the Index.

VERIFICATION

I. SHRI RADHA KANDA DAS, Ex-CC/COM/LAMDING, Presently residing at Village Pub Salmara, P.O. Phulaguri, District Nagaon, Assam aged about 47 years, by profession as stated herein above, do hereby verify that the statements made in this application are true to my personal knowledge and belief.

I sign this verification on this the 30th day of Nov, 2006 at Guwahati.

Radha Kanda Das

ANNEXURE-1

N.F.Railway
Office of the Divisional Railway Manager (P)Lumding

Dat : 24.08.2006

No./E/FS/TFC/1191

To

Sheri Radha Kanta Das

Ex Chief Clerk/GHY

Vill. Pub Salmara

P.O.Phulaguri

Dist. Bnagaon (Assam)

Sub : Refund of Rly outstanding dues.

This is to inform you that in course of passing your retirement gratuity it appears that only an amount of Rs.33,000/- towards retirement gratuity is patyable to you whereas total recoverable amount has come to Rs.4,36,563/- which is more than that of retirement gratuity payable to you. The particulars of recoverable dues are as under :

1. Damage rent	Rs.4,16,315/-
2. Balance of fest Adv	Rs. 350/-
3. Electric Bill	Rs. 19,898/-

Total Rs. 4,36,563/-

So, after adjustment of Rs33,000/- from your retirement gratuity amount there is an outstanding amount of Rs.4,36,563/- yet to be recoverable from you Rs.403563/- towards Rly outstanding dues against the head allocation 073689-79 to your nearest Rly Station and submit the original cash receipt within 45 days from the date of receipt of this letter failing which the said amount will be adjusted from the relief on

cert. to be
some copy
that
ADP.

N. S. K. Das

your monthly pension as per provision of Para 16(6) of Rly service pension rule 1993.

(N.B. Das)

DPO/Lumding

Copy to :

1. DFM/LMG for information in reference to this L/No./LMG/Pen/TFC/3213 dt 22./8.06.
2. APO/GHY for information please.

DPO/Lumding

For DRM(P)/Lumding

Recd. P.O. 12/8/06

ANNEXURE-2To

DRM(P)/NF Railway

Dated 27.9.2006.

Sub : Railway outstanding -

Fictitious fixation of F/S dues without the

Original Service Sheet and Leave Accounts

Book.

Ref : Your Letter No.NE/FS/TFC/1191 dated 24.8.2006.

Sir,.

In response to your letter quoted above, I would like to inform you as under :

1. That Sir, as per extent procedure my retirement notice was not served to me in time as done in case of other Railway employees.
2. With a short notice, the date of my retirement was intimated to me vide your letter No,E/1-66/Gr.3 (Retirement) (T) dated 23.10.1991 whereas my date of retirement was confirmed on 30.11.1991 after completion of 36 years Railway Service.
3. The delay in fixation of my F/S dues just after 30.11.1991 is highly regretted. In this respect the letter in question which was issued by CVO/ Maligaon vide his letter No.,Z/VIG/94/1/43/87 dated 20.4.1992 addressed to you (For personal attention of Sheri S.C.Tafadar, DPO/LMG may kindly be contacted.

It appears from the CVO/NFR/MLG's letter under reference that the original Service Sheet and Leave Account Book maintained at yours were seized by Sheri G.Lahan, Ex-CVI/E/Maligaon in connection with a vigilance case which was lost by him in the year 1985 in his residential house at DBRT.

In absence of those original documents of mine, the final settlement in question was made by you which was

certified to be
true copy
Shri
P.D.V.

quite unlawful and inhuman act. It is also come to light that the original Service sheet and Leave Accounts Book of mine maintained at yours were seized by Sheri G. Lahan, Ex-CVI/E/MLG on 20.9.1985 and the same was lost by him from his safe custody and the position of which could not be given by Sheri G. Lahan at such distant date. Moreover, he did not know why he had to seize kthe original records of Sheri R.K.Das from Lumding Office.

Besides this, no efforts in question were made by you to collect those important documents from Sheri G. Lahan, Ex-CVI/E/MLG residing at DBRT before my retirement on 30.11.1991.

This loss has created a tentional atmosphere which in return has given me a deadly blow and it causes endless sufferings together with my family member in these days of economic crisis.

Further it is confirmed that my F/S dues was made by you with the help of fictitious documents prepared at yours with a view to cheat the poor paid employee. In this connection, I want to know the reason for delay in finalizing my F/S dues without the help of my original documents as the said original documents in question were lost by Sheri G. Lahan Ex-CVI/E/MLG at DBRT.

Moreover I want to see my original Service Sheet and Leave Accounts Register which were seized by Sheri G. Lahan, Ex-CVI/E/MLG on 20.9.85.

4. As regards the Railway outstanding, it is stated that the outstanding dues in question, if any, had to be cleared before my retirement (30.11.91) as per extent system. But this was not done in terms of existing procedure.
5. (a) As such distant date, i.e., after a long gap of 15(fifteen) years from the date of my retirement (30.11.1991) as to why

no any intimation in question was made with me for Railway clearance before 14.8.1992. In this connection my application dated 14.8.92 may kindly be connected.

(b) In the first part of 1992 Sheri RK Chakraborty, Jr. Clerk/C who was the allottee of Qrs No. 105(A) at Relief Yard came to the Collony to see the condition of the Qrs and saying nothing he went away and after that no other man had came to take over charge of the Qrs. This has reference to your letter No.CQ/9/63 (Clerk) dated 2.12.91 may be connected on being seen the perilous situation I conveyed two applications dated 18.5.93 and 22.6.93 to take over charge of Qrs. No.105(A) at R/Yard/LMG duplicating copy to IOW/NF RLY/Sough/LMG and AEF/NRF/South/LMG for taking remedial action. As nobody was turned up to take over charge of the Qrs. Mentioned above and as such I found no any alternative and constrained to lift my household belongings to my residential house at Nowgong leaving the Qrs. Both sides locked on 1.6.94.

Since then, no any reference from any side is made with me for clearance of Rly Outstanding. Hence, the question of Railway outstanding dues to me after a long gap of 15(fifteen) years from the date of my retirement (30.11.91) does not come within my purview.

With a heavy heart I would like to inform you that recently I received a letter from you to clear the Railway outstanding after a long gap of 15 (fifteen) years from the date of my retirement (30.11.91).

Lastly, I want to know that in absence of my original Service Sheet and other documents maintained at your end which were lost by the then CVI/E/MLG, Sheri G. Lahan in the year 1985, how and what way my F/S dues were assessed ? And also why fictitious fixation was made without proper

documents ? This fictitious assessment of my F/S dues have cheated me and my family members in these days of economic crisis.

Your reply in this connection is solicited within a month time, else I will be constrained to seek legal help from legal Authority for justice.

Yours faithfully,

Radha Kanta Das

Ex-CC/Com/ LMG

Now at Village – Pub Salmara

P.O. Phulaguri, Dist. Nagaon

Assam.

No. LMG/Pen/TFC /3213

Dated: - 30-10-2006

To
Manager

SBP/Kaha br.
P.O. Kaha
Dist. Nagaon. Assam.

Sub:- Recovery of Railway outstanding dues from Pension/Family pension
of Sri/Smt. Radha Kanta Das, Ex-Ch. Clerk/GHY (Rly. Pensioner)
P.P.O. No. LMG/Pen/TFC/3213 dt 9-2-93.
SBP No - 38/3430

In terms of Railway Board's letter No. F(E)III/97/PNI/22 dated 8.10.1998
DRM(P)/Lumding has accorded sanction for recovery of outstanding Railway dues
from the above Pensioner's/Family Pensioner's relief on pension a sum of Rs.403563/-
(Rupees Four Lakhs Three Thousand Five Hundred Sixty Three) only,
after deduction of dues, the amount shall have to be credited by Cheque/DD
in Rly. Account favouring FA&CAO/N.F.Railway, Maligaon through the undersigned.

Please do the needful at the earliest to arrange early recovery of the above
mentioned Railway dues.

Divl. Accounts Officer (DFM)
N.E. Railway, Lumding
General Account 02.
B.A. Railway / Lumding

Copy for information to:-

1. DRM(P)/LMG, with ref. to his No. E/FS/TFC/1171 dt 18.9.06

2. Sri/Smt./Miss. Radha Kanta Das
Vill - Dist. Salanaga
P.O. Phulaguri
Dist - Nagaon. (Assam)

Divl. Accounts Officer (DFM)
N.E. Railway, Lumding
General Account 02.
B.A. Railway / Lumding

certified to be
true copy
Shai
Din.

Schmitz
1993 Mallof