

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO. 298 of 2001

Jabalpur, this the 5th day of March, 2003.

Hon'ble Mrs. Shyama Dogra, Member (J)

Lakhan Lal Rawat Son of Shri Ram
Lal Rawat aged about 73 years, retired
Station Master, Railway Department,
R/o Village Teela, Tehsil Mungwali,
District Guna (MP)

-APPLICANT

(By Advocate- Mr. M. R. Chandra)

versus

1. Union of India through
Secretary, Railway Department,
New Delhi.
2. Chairman,
Railway Board, Ministry of Railways,
Rail Bhawan, New Delhi.
3. Divisional Railway Manager,
Bhopal Division, Bhopal (MP)
4. Divisional Railway Manager,
Jhansi (UP)

-RESPONDENTS

(By Advocate- Mr. H. B. Shrivastava)

O R D E R (ORAL)

While filing this Original Application, the applicant has sought the following reliefs:-

- *1. Monthly salary from 26.2.82 to 25.12.82 which has been withheld on a false complaint made against the petitioner and on the inquiry the petitioner was not found guilty, amounting to Rs.15093/- with interest.
2. The dues of the salary which has been reduced on a false complaint from Rs.830/- to Rs.600/- wef 12.11.82 till 1.1.83 with interest which on inquiry was found wrong and the petitioner was exonerated.
3. The pay for the period from 1.1.1983 to 13.2.1985 be fixed at Rs.900/- per month whereas the salary of the same period was given to me at Rs.700/- per month and balance dues be paid to me for which I was entitled because at that time I worked on the post of Y.M. The balance amount of salary at the rate of Rs.900/- per

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month from 1.1.83 to 31.3.85 because at that time the salary of the junior employee Shri R. B. Kapoor was Rs.900/- per month. The name of Shri Kapoor was at serial No.311 in the seniority list dt.9.8.55 whereas the name of the petitioner was at serial No.75 amounting to Rs.20,730/- and thereafter fix the pension at the rate of Rs.900/- per month and the dues of pension be deposited in the branch of Beena of State Bank of India in Account No.01190050501.

4. The balance amount of provident fund Rs.19111.60 which has been paid less at the time of giving provident fund.
5. The amount of gratuity of Rs.24,540/- which has not been paid to the petitioner with interest.
6. The amount of Rs.12,690/- of earned leave of 180 days, which has not been paid to the petitioner with interest.
7. The amount of Rs.162/- which has not been paid, which amount has been sent to the D.A.O. Jhansi, showing unpaid.
8. The amount of Rs.3990.20/- which has been deducted on account of the rent of the Govt. quarter wef Jan.83 to March 1985 whereas in fact during this period, the petitioner was not allotted any Govt. Quarter.
9. After retirement the petitioner is not being given free pass which facility be also given to the petitioner."

2. So far as the relief at Sl.No.10 is concerned, the applicant has relinquished this relief by filing his rejoinder (in para 12 of the rejoinder) being not pressed. So far as relief at Sl.No.8 is concerned, the said point or issue has already been adjudicated upon by separate order passed in OA No.657/2001 on 5.3.2003.

3. The applicant has annexed one Annexure A-3 dated 12.09.2000 issued by the Director, Public Grievances, Govt. of India Cabinet Secretariat, New Delhi, wherein it has been mentioned that the applicant's representation dated 7.9.2000 has been forwarded to the Chairman, Railway Board, Ministry of Railways, New Delhi. However, it is further mentioned in that letter that normal administrative channels of remedy

have not exhausted by the applicant. It is further submitted by the learned counsel for the applicant that the applicant has made a representation vide Annexure A-4 to the General Manager, Central Railway, Mumbai for redressal of his aforesaid reliefs, but nothing has been done by the concerned authorities till date.

4. The respondents have otherwise refuted most of the claims of the applicant being made at very belated stage by filing this O.A. and the reliefs mentioned at Sl.No. 4, 5, 6 and 9 of main para 8 had not been pressed by the counsel for the applicant, who was earlier representing the applicant at that relevant time when this order for not pressing these reliefs have been passed on 25.4.2001. The learned counsel for the applicant Shri M.R.Chandra, who is now representing the applicant has filed rejoinder and specifically mentioned in para 2 of the rejoinder and denied that the applicant has not pressed these reliefs as mentioned here-in-above and the statement has been made by the learned counsel for the applicant, who was earlier representing him without any instruction from the side of the applicant.

5. I have heard the learned counsel for the parties and have perused the records.

6. Without dwelling into the merits of the case at this stage, in view of the fact that the representation of the applicant ^{are} still under consideration before the Chairman, Railway Board as well as before the General Manager, Central Railway, Mumbai, it is in the interest of justice to give appropriate directions to the respondents No.2 and 3 to decide the representation of the

applicant within specified time, as the applicant has since been retired in the year 1985.

7. In view of these observations, the aforesaid respondents are directed to decide the representation of the applicant within a period of three months from the date of receipt of copy of this order and to pass an appropriate speaking and reasoned order in accordance with the law. The applicant is at liberty to supplement his claim by filing relevant documents in support of his contention, if he so desired. With these observations and directions, this O.A. is disposed of without any order as to costs.

Shyama Dogra
(Mrs. Shyama Dogra)
Member (J)

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पठकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अवे शित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) ~~महोदय श्री/श्रीमती/कु~~.....के काउंसल
- (3) ~~महोदय श्री/श्रीमती/कु~~.....के काउंसल
- (4) ~~महोदय श्री/श्रीमती/कु~~.....के काउंसल

m. R. chandra. ADV
H. B. Shrivastava. ADV

Trinast...
उप सचिव
16/3/03

Issued
On 10.3.03
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