

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 16th day of October, 2008

ORIGINAL APPLICATION No.272/2006

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Ram Das
s/o late Shri Ram Singh,
presently resident of Bharat Mata Path,
Shiv Mandir, Civil Lines, C-Scheme, Jaipur
and permanent resident of Ajipur,
Nai Basti Jagnir Road, Agra
retired from Group-D from the office of
North Western Railway, Jaipur

.. Applicant

(By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India
through General Manager,
Northern Western Railway,
Jaipur.
2. The Divisional Mechanical Engineer,
North Western Railway,
Jaipur

.. Respondents

(By Advocate: Mr. Tej Prakash Sharma)

O R D E R (ORAL)

The applicant has filed this OA thereby praying
for the following reliefs:-

- i) That by an appropriate order or direction
the respondents be directed to release
entire retiral benefits including pension,
commutation of pension, gratuity, G.P.F. and

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other benefits, with all consequential benefits with 18% interest and cost be imposed upon the respondents to withhold the same without having any cogent reasons.

ii) Any other appropriate order or direction, which this Hon'ble Tribunal thinks just and proper may also be given.

2. When the matter was listed on 22.8.2006, this Tribunal passed the following order:-

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From the material placed on record, it is evident that the applicant has earlier filed OA No.140/98 thereby praying that the order dated 27.1.1997 (Ann.A6) by which the respondents have accepted resignation of the applicant and relieving the applicant from the post be quashed and set-aside. It is also evident from copy of the judgment dated 5.7.2002 (Ann.A4) that the applicant has further prayed that he may be granted arrears of pay and other pensionary benefits with interest. The said OA was dismissed by the Tribunal and it was held that there is no infirmity in the impugned order under challenge. The Tribunal has not granted any relief regarding payment of arrears of pay and other pensionary benefits with interest to the applicant. Thus, in view of the law laid down by the Apex Court in 1999 SCC (L&S) 660 the relief which was sought and not granted shall be deemed to have been rejected. As such for grant of pensionary benefits including commutation of pension^{waiver} is not maintainable.

The learned counsel for the applicant stated that he has not been paid amount of gratuity and GPF. Let notices be issued to the respondents confined to this extent. Respondents may file reply within four weeks. The registry is directed to send a copy of this order to the respondents alongwith notices...."

3. The respondents have filed reply. In the reply, the respondents have categorically stated that the claim of pension, commutation of pension and gratuity are not admissible to the applicant as per law. According to rule, the applicant was entitled for payment of PF, Leave Encashment and GIS which amount

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has been paid recently to the applicant through A/c Payee cheque.

4. I have heard the learned counsel for the parties.

5. The learned counsel for the applicant submits that he has already received a cheque of Rs. 11,562/- and respondents have not indicated as to how they have calculated this amount, whereas according to the learned counsel for the applicant, the applicant is entitled to much more amount and the amount so paid to the applicant does not include amount of Leave Encashment and GIS.

6. The learned counsel for the respondents submits that he is not in a position to show at this stage on what basis the said amount has been calculated and payment has been made by A/c Payee Cheque.

7. In view of what has been stated above, I am of the view that the present OA can be disposed of with a direction to the respondents to intimate the applicant details of the payment made under various heads namely, payment under Provident Fund, Leave Encashment and GIS to which the applicant was found entitled by the railway authorities and payment has been made by A/c Payee Cheque. Ordered accordingly. Such exercise will be done within a period of two months from the date of receipt of a copy of this order. In case the

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applicant is still aggrieved on account of full amount ^{un-payment of} under the head Provident Fund, Leave Encashment and GIS, it will be open for him to file a substantive OA.

8. With these observations, the OA is disposed of with no order as to costs.


(M.L.CHAUHAN)
Judl.Member

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