

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

20.02.2014

OA No. 387/2013

Mr. P.N. Jatti, Counsel for applicant.

Mr. D.K. Pathak, Counsel for respondents nos. 1, 2 & 4.

Mr. Salim Khan, Proxy counsel for

Mr. Tanveer Ahmed, Counsel for respondent no. 3.

Heard the learned counsel for the parties.

The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 387/2013

Jaipur, the 20th day of February, 2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Nanhe Khan son of Ali Mohammad, by caste Muslim, aged about 60 years, resident of Pilwa Nadi, The. Malaria Doonger. Presently Retired as Gangman under PWI, Bandikui Junction, Railway Station, District Dausa.

... Applicant

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

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Jaipur.
3. Divisional Railway Manager, West Central Railway, Kota.
4. Senior Section Engineer (Nirman), North Western Railway, Jaipur.
5. P.W.I. (Nirman) North Western Railway, Bandikui.

... Respondents

(By Advocate: Mr. D.K. Pathak – Respondent no. 1, 2 & 4.
Mr. Tanveer Ahmed, Respondent no. 3)

ORDER (ORAL)

Heard the learned counsel for the parties. The applicant has filed this OA praying for the following reliefs:-

"(8.1) That by a suitable writ/order or the direction the respondents be directed to release the retiral benefits as

- A. Pension
- B. Gratuity
- C. Leave encashment and
- D. Commutation in an early date as the applicant has to go on HAJ Yatra and has to deposit money for the same upto 21st June, 2013.

(8.2) Any other relief which the Hon'ble Bench deems fit."

Anil Kumar

2. The respondents have filed their reply. In their reply, they have stated that the applicant while working under SSE in the scale of Rs.5200-20200 with grade pay of Rs.1900 has retired on 31.01.2013 from Railway service on attending the age of superannuation as his date of birth is 16.01.1953. The respondents in their reply have stated that the applicant has already been granted pension, gratuity, leave encashment and commutation. Leave encashment amount of Rs.1,08,780/-, Insurance of Rs.4359/-, DCRG of Rs.2,03,958/- (-) Rs.15,780/- = Rs.1,88,178/-, commutation of Rs.2,11,995/- and pension @ Rs.5390/- was sent to the Accounts Department on 08.03.2013 and the Accounts Department vide Cheque No. 036299 dated 15.03.2013 has sent to the account of the applicant. Therefore, the OA is liable to dismissed being not maintainable without any cause of action.

3. The reply submitted by the respondents stated that with regard to payment of GIS and Leave encashment, there were some discrepancies from DRM Kota, which has been forwarded on 01.02.2013. It appears that more than one year has passed but these discrepancies have not been removed. Accordingly, respondents nos. 2 & 3 are directed to remove the discrepancies and take suitable decision within a period of one month from the date of receipt of a copy of this order.

Anil Kumar

4. Since most of the reliefs claimed by the applicant have been granted by the respondents, therefore, the OA has become infructuous.

5. Consequently, the OA is dismissed as having become incfructuous. However, the applicant is at liberty, if he is aggrieved with any of the decision of the respondents with regard to these payment of the retrial benefits, to file substantive OA.



(Anil Kumar)
Member (A)

AHQ