

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-58/2000 ordersheet Pg-1 to 2  
disposed date-27/4/2000  
M.P-318/99 ordersheet Pg-1 to 6  
Dismissed date-1 to 8

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R.A/C.P No. ....  
E.P/M.A No. 58/2000

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SECTION OFFICER (Judl.)

ORIGINAL APPLN. NO. 27 OF 1995  
TRANSFER APPLN. NO. OF 1995  
CONTEMPT APPLN. NO. OF 1995 (IN OA NO.  
REVIEW APPLN. NO. OF 1995 (IN OA NO.  
MISC. PETN. NO. OF 1995 (IN OA NO.

..... Mohit Gosh ..... APPLICANT(S)

-VS-

..... M. O. I. Pans ..... RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. M. Chanda  
MR.  
MR.  
MR.

FOR THE RESPONDENTS

...MR. B.K. Sharma  
Ply. Advocate

OFFICE NOTE

DATE

8-3-96

ORDER

Application is in  
order and within time.

C.F. of Rs. 50/-

deposited vide

PO/BD No. 345166

Dated 4.3.96

*[Handwritten signature]*  
*[Handwritten signature]*

C.F. for Rs. 5.50 not  
affixed in the application

*[Handwritten signature]*  
*[Handwritten signature]*

Requisite steps are  
not yet taken by the  
applicant's Advocate.

lm

Learned counsel Mr. M. Chanda for  
the applicant. The applicant has  
retired from Railway service on  
30-4-1994. The respondents have not  
paid the gratuity and other payments  
mentioned in the application till date.  
In this application the applicant  
prays for payment of gratuity and other  
amounts alongwith 18% interest.

Perused the application. Heard  
Mr. Chanda. Application is admitted.  
Issue notice on the respondents. Write  
Written statement within 6 weeks.

List on 22-4-96 for written state-  
ment and further order.

Mr. B. Mehta learned counsel is pre-  
sent on behalf of Railway counsel  
Mr. B.K. Sharma.

Liberty to the respondents to pay  
the amounts as prayed for, if admissi-  
ble, pending disposal of this case.

*[Handwritten signature]*  
Member

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN.NO.  
TRANSFER APPLN.NO.  
CONTEMPT APPLN.NO.  
REVIEW APPLN. NO.  
MISC. PETN. NO.

OF 1995

OF 1995

OF 1995 (IN OA NO.

OF 1995 (IN OA NO.

OF 1995 (IN OA NO.

OA 27/96

..... APPLICANT(S)

-VE-

..... RESPONDENT(S)

FOR THE APPLICANT(S)

...MR.  
MR.  
MR.  
MR.

FOR THE RESPONDENTS

...MR.

OFFICE NOTE

DATE

ORDER

22.4.96

Written statement has not been submitted.  
As requested by learned counsel Mr S.Sarma for  
the respondents list on 10.6.96 for written  
Statement and further order.

Member

pg

10-6-96

Mr.M.Chanda for the applicants  
Mr.B.K.Sharma for the respondents.  
Counter has not been submitted. At the  
request of Mr.B.K.Sharma adjourned to  
10-7-96 for counter and further order.

Member(A)

Member(J)

lm

10.7.96

None present. Written statement  
has not been submitted.

List on 24.7.96 for written  
statement and further orders.

Member

pg

10/7/96

Steps are read  
on 1-5-96 & (ssm)  
v. no. 921-22 d. 25.96.  
by  
1/5

30.5.96

No. 1, 6, 1, 2.  
served in respts

W/ statement has not  
been filed.

W/ statement has not  
been filed.

23/7

3

O.A. No. 27 of 1996

24.7.96

Mr. M.Chanda present for the applicant  
Written statement has not been  
submitted. List for written statement and  
further order on 20.8.96.

Member

trd

20-8-96

Learned counsel Mr.M.Chanda for the  
applicant. Learned counsel Mr.S.Sarma for  
Mr.B.K.Sharma prays for time to submit  
written statement.

List for written statement and fur-  
ther order on 18-9-96.

Member

lm

18.9.96

Learned counsel Mr M. Chanda  
for the applicant. None for the respondents.  
Written statement has not been submitted.

List for written statement and  
further orders on 8.10.96.

Member

nkm

8-10-96

Learned counsel Mr.M.Chanda for  
the applicant. None for the respondents.  
Written statement has not been submitted.

List for written statement, and  
further order on 18-11-96.

Member

lm

O.A. 27 of 1996

18.11.96

None present.

Written statement has not been submitted.

List for written statement and further orders on 4.12.1996.

Member

trd  
01/12/11

1) Notice duly served on Respondant No. 1, 2 - 4.12.96

Learned counsel Mr. M. Chanda for the applicant. No written statement has been submitted.

List for written statement and further orders on 2.1.1997.

Member

nkm  
01/12

2.1.97

None present. Written statement has not been submitted.

List for written statement and further orders on 23.1.97.

Member

nkm  
01/12

31.1.97

On the prayer of Mr. B.K.Sharma, appearing on behalf of the respondents 2 weeks time to file written statement is granted. No further extension of time will be granted. If no written statement is filed the case will proceed ~~without~~ in the absence of written statement.

List on 14.2.1997.

Vice-Chairman

trd

O.A. 27/96

13-3-97

1/ Notice duly served  
on Respondent No-  
1 & 2.

28.2.97

Adjourned to 14.3.1997.

2/ W/S has not been  
submitted.

pg

  
Vice-Chairman

14.3.97

Mr. B.K.Sharma, learned Railway  
counsel prays for further extension of time to  
file written statement. From the Order sheets  
it is seen that several adjournments have been  
granted for filing of written statement. I am not  
inclined to grant any further extension of  
time.

Let the case be listed for hearing  
on 2.5.1997.

  
Vice-Chairman

1.5.97

Written statement  
not yet filed by the  
respondents, but case  
is already fixed for  
hearing.

trd

2-5-97

Mr.M.K.Choudhury learned counsel  
appearing on behalf of the respondent  
prays for 2 weeks time for adjournment  
as needs some more instructions.

List for hearing on 16-5-97.

  
Vice-Chairman

1/ Notice duly served  
on op. No. 1 & 2.  
2/ W/S has not been filed.

lm

6/5

W/S has not been filed  
1/ Notice duly served  
on R. No. 1 & 2.

16.5.97.

Left over. List on 27.6.97  
for hearing.

  
Vice-Chairman

pg

10/5

27.6.97

Learned counsel for the parties pray for adjournment on the ground that Mr M. Chanda's mother is seriously ill and the name of Mr B.K. Sharma, learned Railway Counsel, has not been shown in the cause list.

List on 8.8.97 for hearing.

*JB*  
Vice-Chairman

nkm  
2/30/97

8.8.97. Adjourned to 11.8.97.

By order

11.8.97. Passed over for the day.

By order

12.8.97. Adjourned to 5.9.97.

By order

5.9.97. Adjourned to 31.10.97.

By order

31.10.97

On behalf of Mr M. Chanda, mention has been made that Mr Chanda is unable to attend court today because of his personal difficulty. List the case on 28.11.97.

*JB*  
Vice-Chairman

nkm  
4/11

28.11.97

There is no representation.  
List on 12.12.97.

By order

No notice duly served  
on R. No-1 & 2.

W/s. has not been listed.

8-8-97

Memo of appearance  
filed by Mr. B.K. Sharma,  
learned Rly. Counsel.

4-9-97

Written statement  
has not been filed.

S. has not been listed.  
Notice duly served on  
Nos. 1 & 2.

27.11.97

Notice duly served  
on R-1 and 2.

Written statement has  
not been filed.

Regarding notice the  
case is ready for  
hearing.

MS  
27/11/97

O.A. 27/96

12-12-97

Case is adjourned till 19-12-97.

LM

BY ORDER

*Nokias duly served  
on 2. Nov. 1-2.  
w/s has not been  
filed.*

*12*



O.A. 27/96

12-12-97

Case is adjourned till 19-12-97.

LM

BY ORDER

19-12-97 Adjourned to 13-2-98.  
By

24.4.98

Two weeks time allowed on the prayer of Mr ~~E.K.SarChoudhary~~ ~~learned~~ Addl. C.G.S.C. for filing of written statement. List it on 8.5.98.

Vice-Chairman

nkm

24.4.98

On the prayer of the learned counsel for the parties this case is adjourned till 1.5.98.

Vice-Chairman

nkm

1.5.98

Adjourned to 12-6-98.

12.6.98

Adjourned to 26.6.98

26-6-98

In spite of repeated adjournments the respondents have not filed written statement. The case will proceed without written statement on behalf of the respondents.

List it on 20-11-98 for hearing.

Vice-Chairman

lm

28/29/6

Notice duly served  
R.Nos 1-2  
No. W/S has been filed.

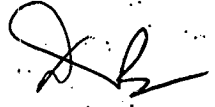
Notice duly served on  
R.Nos 1-2.  
No. W/S has been filed.

No. W/S has been filed.

20.11.98

On the prayer of Mr. S.Sarma,  
on behalf of Mr. B.K.Sharma, learned  
Railway Counsel case is adjourned  
till 18.12.1998.

Fix on 18.12.1998.

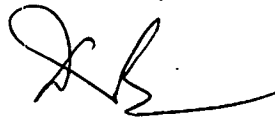
  
Vice-Chairman

22-12-98

trd

There was a Bench <sup>JS</sup>  
at Agartala on 18.12.98. 23/11  
Hear placed in order. 1-1-99

On the prayer of Mr.M.Chanda, learned  
counsel for the applicant case is adjourned  
to 8-1-99 for hearing.

  
Vice-Chairman

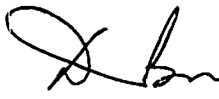
lm

29  
4/1/99

8.1.99

Heard Mr M. Chanda, learned counsel  
for the applicant. There is no  
representation on behalf of the Railways.  
Hearing concluded. Judgment delivered in  
open court, kept in separate sheets. The  
application is disposed of. No order as  
to costs.

nkm


  
Vice-Chairman

9/2/99

Copies of the  
Judgment have been  
sent to the d/Sec.  
for issuing the same  
to the parties through  
Regd. Mail A.D.

HT

Issued vide despatch  
No. 466 to 468 dt. 10.2.99

  
26.3.99

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 27 of 1996

8.1.1999  
DATE OF DECISION.....

!! Shri Motilal Ghosh (PETITIONER(S))

Mr M. Chanda ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

Mr B.K. Sharma, Railway Counsel.

THE HON'BLE MR JUSTICE D.N. BARUAH, 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



12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.27 of 1996

Date of decision: This the 8th day of January 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Shri Motilal Ghosh,  
Retired Electrical Chargeman/A,  
C/o Upendra Lal Nath,  
Railway Quarter No.120/A,  
B.G. Colony, Guwahati.  
By Advocate Mr M. Chanda.

.....Applicant

- versus -

1. The Union of India, represented by the  
General Manager,  
N.F. Railway, Maligaon,  
Guwahati.

2. The Chief Personnel Officer,  
N.F. Railway, Maligaon,  
Guwahati.

.....Respondents

By Advocate Mr B.K. Sharma, Railway Counsel.

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicant seeking certain directions.

2. The applicant, at the material time, was an employee under the N.F. Railway. He was working as Electrical Chargeman/A. He attained the age of superannuation on 30.4.1994. The contention of the applicant is that his DCRG has not yet been paid in spite of repeated demands. Hence the present application.

3. I have heard Mr M. Chanda, learned counsel for the applicant. There is no representation on behalf of the Railway Administration. Mr Chanda submits that during the pendency of this application an amount of Rs.38,347/- had been paid to the applicant in the year 1996, i.e. after a lapse of two years. According to Mr Chanda an amount of



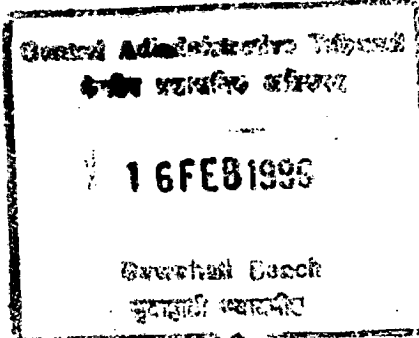
13

Rs.5213/- is still left to be paid to the applicant and the Railway Administration has not given any reason for withholding the said amount. Therefore, according to Mr Chanda, the applicant is entitled to the said amount with interest. No written statement has been filed. The records have also not been produced before this Tribunal. Mr Chanda also submits that an amount of Rs.392/- was deducted without assigning any reason whatsoever. According to Mr M. Chanda there is a clear averment made in para 6 of the application to the effect that the said amount of Rs.392/- was illegally realised. This fact has not been rebutted by the respondents. Therefore, such deduction can be said to be illegal. As nothing has been shown by the Railway Administration, I am inclined to agree with the submission of Mr Chanda. It is also true that when an amount is required to be paid, if it is delayed then some compensation by way of interest should also be paid for the delay. In this connection reference may be made to a decision of the Apex Court in R. Kapur -vs- Director of Inspection (Painting and Publication), Income Tax and another, reported in (1994) 6 Scc 589. Therefore, I am of the opinion that the applicant is entitled to get interest at the rate of 18% per annum. Mr Chanda also submits that during the pendency of this application before the Tribunal a show cause notice was issued as to why an amount of Rs.5200/- should not be recovered from the applicant. The applicant duly submitted his reply. However, nothing has been done by the respondents.

4. In view of the above I dispose of this application with direction to the respondents to pay the balance amount of Rs.5213/- to the applicant together with interest at the rate of 18% per annum with a cost of Rs.100/- as early as possible, at any rate within a period of two months from the date of receipt of this order.



( D. N. BARUAH )  
VICE-CHAIRMAN



*filed by*  
*M. Chandra*  
*Amor*  
*14*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

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

O.A. 27/96.

Shri Motilal Ghosh.

..... Applicant.

-Versus-

Union of India & Ors.

..... Respondents.

I N D E X.

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1.	-	Application.	1 - 8.
2.	-	Verification.	8.
3.	1	Hon'ble Tribunal's Order dated	9 - 12
4.	2	Representation dated 28.11.95.	13

*Received by*  
*Mr. B. K. Sharma*  
*for S. C. I.*  
*for S. C. I.*

*Mati Lal Ghosh*  
*04/2/96*

1. Particulaes of the applicant.

Shri Motilal & Ghosh,  
Retired Electrical Chargeman/A,  
C/O. Upendra Lal Nath,  
Railway Quarter No. 120/A,  
B. G. Colony, P.O. Bamunimaidan,  
Gauhati - 21.

2. Particulars of the Respondents.

1. Union of India,  
Represented through General Manager,  
N. F. Railway, Maligaon,  
Guwahati - 11.
2. Chief Personnel Officer,  
N. F. Railway, Maligaon,  
Guwahati- 11.

3. Particulars for which this application is made.

This application is made for immediate payment, gratuity (D. C. R. G.), Packing charge, and O. T. A. for 1991 for 67.15 hours and also for payment of interest ~~on~~ at the rate of Rs. 18% on the total amount of gratuity (DCRG) due to the applicant w.e.f- 1.5.94 to till the date of actual payment.

4. Limitation.

The applicant declares that the applicant has filed within the limitation as prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

5.....

Moti Lal Ghosh  
04/2/96

5. Jurisdiction.

The applicatt declares that the subject-matter of the application is within the jurisdiction of this Hon'ble Tribunal.

6. Facts of the case.

1. That the applicant is a citizee of India and as such he is entitled to all the right and privileges guaranteed by the Constitution of India. The applicant retired from Railway R service w.e.f. 30.4.1994 as Electrical Chargemen/A from the Guwahati Office under the respondents No.1 and 2.

2. That after retirement from Railway service w.e.f. 30.4.94, the respondents have delayed the payment of retirement dues of the applicant and particularly the payment of provident fund, group insurance, leave salary paid to the applicant after long delay, although approached the Authorities on several occasions.

3. That the applicant begs to state that the respondents have not yet been paid the gratuity (D.C.R.G.) which is due to the applicant and the respondents ought to have paid the same to the applicant immediately after his retirement. Due to non receipt of payment of

retirement.....

Mah Lal Ghosh  
04/2/96



retirement benefit, the applicant have suffered financial hardship as well as mentally. Even leave salary, provident fund, group insurance, also paid after a long delay.

4. That the applicant could not fix the date of marriage, of his daughter, due to non-receipt of gratuity and other retirement benefit, and now facing acute financial hardship and also sustaining financial loss, if the retirement benefit would have received in due time, the applicant also could have earned bank interest, but the respondents due to their negligence, have denied this opportunity to the applicant, therefore respondents are liable for payment of interest at the rate of 18% w.e.f. 1.5.94 till the actual payment of retirement benefits. The applicant is also entitled to receive 18% interest on the total amount of DCRG. which is due to the applicant, as the same is not paid to the applicant till filing of this application before this Hon'ble Tribunal.

5. That the applicant begs to state that he had filed on original application against establishment order No. 11 of 1993 as regard the alleged recovery

of over.....

Mati Lal Ghosh

of over payment and also with the prayer for a direction to the respondents not to make recovery from the applicant, the said application was registered as O.A. 56/93. However, this case was disposed of with the direction not to make any recovery and it is also stated in the said order that the application is premature. The said order was passed by the Tribunal on k.

A copy of the order dated passed by the Hon'ble Tribunal in O.A. No. 56/93 is annexed as Annexure - I.

6. That the applicant begs to state that an amount of Rs. 392/- (Rupees three hundred ninetytwo) only was recovered from the applicant from the pay of the applicant for the month of March 1993 without giving any opportunity to the applicant. Therefore, this amount of Rs. 392/- is liable to be refunded to the applicant by the Respondents.

7. That the gratuity (BR DCRG) amount which is due to the applicant on his retirement on superannuation cannot be delayed the payment of the same without any bona fide reason as per the existing Rly. rule.

Be it.....

Mati Lal Ghosh

Be it stated that the gratuity (DCRG) cannot be withheld without Presidential order on pendency of disciplinary proceeding, whereas in the instant case, there is no any disciplinary proceeding pending against the applicant. Therefore, non-payment of DCRG. is highly illegal, arbitrary and unfair and the Respondents are liable to pay 18% interest on the amount of DRG. till the actual date of payment.

8. That the applicant submitted representation dated 28.11.95 before the GM(P), N.F. Railway, Maligaon praying for immediate payment of gratuity money and other retirement benefit but to no result.

A copy of representation dated 28.11.95 is enclosed as Annexure- 2.

9. That this application is made bona fide and for the cause of justice.

7. Reliefs sought for.

1. That the respondents be directed for immediate payment of gratuity money (DCRG) due to the applicant along with 18% interest w.e.f. 1.5.94 to till the date of actual payment.

2.....

Mah Lal Ghosh

2. That the Respondents be directed to pay package allowance due to the applicant on superannuation.
3. That the Respondents be directed to refund Rs. 392/- which was illegally deducted by the Respondents from the pay of the applicant for the month of March, 1993.
4. Cost of the case.

The above reliefs are prayed on the following amongst other -

-G R O U N D S-

1. For that non-payment of gratuity without any valid reason immediately after retirement is illegal arbitrary and contrary to pension rule.
2. For that delay in payment of gratuity (DCRG) lead to Extreme financial hardship to the applicant.
3. For that recovery made from the pay and allowance for the month of March 1993 without any opportunity to the applicant

4. For that there is no disciplinary proceeding pending against the applicant.

5. For that entitlement of DCRG. is a valuable right earned by the applicant by ~~by~~ virtue of his entire Railway service.

6. For that payment of DCRG. is delayed by the Respondents without any fault of the applicant.

8. Interim reliefs prayed for.

During the pendency of this application the following interim reliefs be granted.

1) Respondents be directed to pay gratuity.

The above relief is prayed on the ground explained in para 7 above.

9. Details of remedy exhausted :-

There is no scope of any other remedy except the application before this Hon'ble Tribunal.

10. Matter not pending in any court/Tribunal.

The applicant further declares that he had filed O.A. No. 146/92 in this Tribunal and still pending before this Tribunal.

11.....

Mah' Lal Ghosh

11. Particulars of Postal Order.

I.P.O. No. :  
Date :  
Issued from :  
Payable at :

12. Details of Index.

An Index showing the particulars of documents is enclosed.

13. List of Enclosures :-

As per Index.

V E R I F I C A T I O N .

I, Shri Motilal Ghosh, son of late Jiban Krishna Ghosh, resident of Bamuni Maidan, do hereby declare that the statements made in paragraphs 1 to 13 are true to my knowledge and I have not suppressed any material facts.

Place :

Date :

Moti Lal Ghosh  
Signature. 04/2/9.

- 9 -

Annexure - 1

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 56 of 1993.

Date of decision : This the 1st day of November, 1995.

The Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman.

Sri Matilal Ghosh  
S/o Late Jiban Krishna Ghosh,  
Resident of Rly. Quarter No. 247/B,  
Type-III, B.G.Colony,  
Bamunimaidan,  
P.O. & P.S. Bamunimaidan  
Guwahati-21.

.... .. Applicant

By Advocate Mr. M.Chanda.

-versus-

1. Union of India,  
Represented through General Manager,  
N.F.Railway, Maligaon, Guwahati.
2. Chief Personnel Officer,  
N.F. Railway, Maligaon,  
Guwahati.

..... Respondents

By Advocate Mr. B.K.Sharma.

ORDER

CHAUDAHRI J. (V.C.)

The applicant who was working with the N.F.Railway was promoted as Master Craftsman in the scale of Rs. 1400-2300 on 25.11.86. He has since retired on 30.9.94. The pay on promotion was fixed at Rs.1720 p.m. on proforma basis with effect from 1.1.1984. He reached the pay of Rs. 1800 by 20.11.1988.

2. By Establishment Order No. 11 of 93 issued on 4.2.93 by the A P O the pay was however refixed in the same scale i.e. Rs. 1400-2300 as follows :

.... Rs. 1850



Rs. 1850 on 20.11.88  
Rs. 1900 on 1.11.89  
Rs. 1950 on 1.11.90  
Rs. 2000 on 1.11.91

With addition of one annual increment and one notional increment the pay as on 1.11.91 was raised to Rs. 2050.

As from 1.11.91 the fixation was done in the next higher stage of scale of Rs.1600 to 2660 at

Rs. 2100 on 1.11.91 and  
Rs. 2150 on 1.11.92

✓ The fixation upto 1.11.91 was done under FR 22 (a) and the fixation in the higher stage from 1.11.91 was done under FR 22 (C).

3. The order does not refer to any overpayment to the applicant resulting from the refixation of the pay. Nor there is any mention of any recovery to be made from him nor any follow up order was issued proposing <sup>recovery</sup> necessary.  
✓ The forwarding note at the bottom of the order containing following remarks :

- (1) .....
- (2) .....
- (3) .....
- (4) EC/... (Shri B.L.Akhtar, CS(II). The recovery overpayment involved will be recovered in easy instalment from the staff.
- (5) Shri M.L.Ghose EC/A/TL/GHY through SEP/TL/GHY.
- (6) .....

Since the order was passed in connection with the refixation of pay of the applicant alone he believed from the forwarding endorsement No. 4 quoted above that recovery of some amount was likely to be made from him. He

...therefore



therefore filed the instant O.A. on that apprehension challenging the correctness of the refixation.

4. Although the applicant has prayed that the aforesaid establishment order be quashed and the respondents be directed not to make any recovery in terms thereof, it is apparent that unless the amount intended to be recovered on account of overpayment arising from refixation of the pay was intimated to him and he was called upon to pay the same or recovery was directed the applicant had no cause of action to make grievance. The application <sup>therefore</sup> did not disclose any cause of action at the stage at which it was filed.

It is needless to add that before taking any steps for recovery of any amount if proposed to be made hereafter it will be necessary to give prior notice to the applicant in which event the applicant, if aggrieved will be at liberty to adopt such remedy as he may be advised in accordance with the law but after exhausting departmental remedies.

5. The applicant had also introduced the prayer that the respondents be directed to fix his pay at Rs. 1800/- with effect from 1.1.88 and thereafter fixation benefit in the cadre of Electrical Chargeman B be given to him. It however appears that the applicant has been given that benefit and therefore Mr. Chanda does not press for the same.

In the result with the direction to the respondents that in the event of any recovery being proposed to be made from the applicant on account of overpayment or difference arising from fixation of the pay under the Establishment Order No. 11/93 dated 4.2.93 they shall give notice to the applicant to show cause against that action and after considering his explanation, if any, issue further directions as may be called for. The O.A. is disposed of.

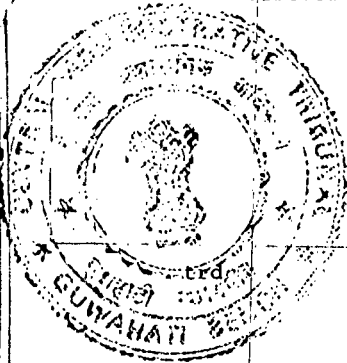
....No

Atte Mzed  
Chh  
Bh

No order as to costs.

The interim order vacated consistently with above directions.

Sd/- VICE CHAIRMAN



TRUE COPY

प्रतिनिधि

*[Signature]* 15/2/26

COUNT OFFICER

স্বাক্ষরিত কর্মসূচী

Central Administrative Tribunal

কেন্দ্রীয় প্রশাসনিক আদালত

Guwahati Bench, Guwahati-5

গুৱাহাটী বেঞ্চ, গুৱাহাটী-৫

*[Signature]* 15/2

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Annexure - 2.

To  
The General Manager (P),  
N. F. Rly. Maligaon,  
Guwahati.

Sub:- Payment of gratuity and other retirement  
benefit such as transfer allowance.

Sir,

I have the honour to state that I retired from  
Railway Service on 30.4.94 as electrical Chargeman/TL/GHY.  
but unfortunately, till date I haven't received any  
gratuity and other retirement benefit except provisional  
pension, & leave Salary and commutation of pension but  
gratuity not paid to me till date due to the reason best  
known to the department, I also not informed as to why  
my gratuity is withheld. Therefore, I pray that my gratuity  
be paid within 30 days, with 18% Interest per annum, &  
immediately. An early action is solicited. I approached  
the office on several occasion for gratuity money, but  
to no result. Now, my ill health does not permit to  
approach the office again and again. Please take  
necessary action immediately.

Yours faithfully,

Dated : 28.11.95.

Sd/- Matilal Ghosh.

Sri Matilal Ghosh,  
Ex. Electrical Chargeman/A/TL/GHY.

My Address - M. L. Ghosh,

C/O. Sri Upendra Lal Nath,  
Rly. Quarter NO. 120/A, B. G. Colony  
P.O. Bamunimaidan, GHY. 21.

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