

30/600

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No... 161/96.....

R.A/C.P No.....

E.P/M.A No... 180/97.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 161/96

Sri A. S. Das Applicant(s)

VS-

Union of India & Ors. Respondent(s)

Mr. M. Chanda, B. Barooah Advocates for the applicant(s)

Mr. J. L. Sarkar, R. C. Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This case was filed on 7.3.96 and was defective in vakalatnama, sign. of applicant etc. An IPO for Rs. 5/- only was ~~deposited~~ ^{received} with the petition & now invalidated.

20.8.96

Mr M.Chanda for the applicant
List for consideration of admission on 21.8.96.

[Signature]
Member

Now the deficiencies have been removed and IPO No. 346670 dt. 8-8-96

pg

20/8

The Rs. 50/- is also submitted. The petition is now in order and may be placed before the Hon'ble Court. Submitted to the order.

21-8-96

Learned counsel Mr. B. Barooah for the applicant. Mr. J. L. Sarkar for the respondents.

Heard Mr. Barooah for the applicant. Application is admitted. Written statement within 6 weeks.

List for written statement and further order on 27-9-96.

It has been stated by Mr. Barooah that after filing of this O.A. the applicant was paid approximately Rs. 4200/- out of DCRG. Pendency of this application shall not be a bar for the respondents to pay the balance of the DCRG.

[Signature]
Member

[Signature]
9.8.96
[Signature]
16/8/96
Deputy Registrar (S)
Central Administrative Tribunal
Guwahati Bench

26-9-96

lm

21/8

Mr. M. Chanda, Advocate, Reguaidi has filed to-day.

[Signature]

27.9.96

Learned counsel Mr M. Chanda for the applicant. Learned counsel Mr J.L. Sarkar for the respondents. No written statement has been submitted. Requisites have been filed by Mr Chanda on 26.9.96. The same may be served on the respondents.

15-10-96

Notes have been prepared and issued vide no. 9502 dated 16.10.96.

List for written statement and further orders on 21.11.96.

[Signature]
Member

14.11.96

Notice dispensed to Respondent No 3

nkm

21.11.96

Mr. M.Chanda for the applicant.
None for the respondents.

Written statement has not been submitted.

List for hearing on 30.12.1996. In the meantime the respondents may submit written statement with copy to the counsel of the applicant.

[Signature]
Member

Bar
w/s statement has not been filed.

Notice duly served on respondent No-2,3

[Signature]
11-12

trd

[Signature]
21/11

30.12.96

Learned counsel Mr J.L. Sarkar for the respondents. Mr A. Ahmed submits for adjournment on behalf of Mr M. Chanda, learned counsel for the applicant, on account of personal difficulties. Written statement has not been submitted.

List for hearing on 24.1.1997. In the meantime the respondents may file written statement with copy to the applicant.

[Signature]
Member

6-2-97

1/ Notice duly served on Respondent No-2 & 3.

nkm

2/ w/s has not been submitted.

[Signature]
6/2

2-5-97

On the prayer of Mr. M. Chanda learned counsel case is adjourned for hearing on 16-5-97.

[Signature]

Vice-Chairman

Notice duly served
in R. No. 263.
w/s. has not been filed.

lm
4
6/5

16.5.97

Left over. List on 20.6.97 for hearing.

[Signature]

Vice - Chairman

3-6-97

In terms of order pg dated 30-5-97 passed in mp-160/97 written statements filed on behalf of The respondents No- 1 & 2 & 5.

20/5
20.6.97

Mr M. Chanda, learned counsel for the applicant, submits that he needs some instructions in this case as the Railway Administration is giving a proposal for recalculation.

Let this case be listed on 1.8.97.

✓ henry

[Signature]

Vice-Chairman

19.6.97

NO memo of appearance has been filed. nkm
29/6

1) Written statement has been filed on respondents. In 19/6.

1.8.97. List on 11.8.97. By order.

30-7-97

Rejoinder filed on behalf of the applicant, at page 21 to 33.

11.8.97 Pass over for the day

12.8.97. Adjourned to - 26.9.97. By order

11-8-97

Memo of appearance filed by Mr. J.V. Surkar learned Railway Advocate.

By order

10.2.97

Let this case be listed on 14.2.1997.


Vice Chairman


1) Notice duly served
on Rspdt no 2 & 3 -
2) W/ statement - has not
been filed.

nkm

14.2.97

On the prayer of Mr. J.L.Sarkar, Railway
counsel 2 weeks time is granted to file
written statement as last chance.

List on 28.2.1997.


Vice-Chairman

27-2-97

1) Memo of appearance
not yet filed.

mv
27/2

mv
19/2

13-3-97

28.2.97

Adjourned to 14.3.1997.

1) Notice duly served
on R. No - 2 & 3

2) written statement
has not been filed. pg


Vice-Chairman

EV
17/3

14.3.97

Written statement has not yet been
filed. Mr. Sarkar prays for further extension
of time. Several adjournments have been given.
I am not inclined to grant any further time.

List on 25.4.1997 for hearing.


Vice-Chairman

1) Notice duly served
on R. No. 2 & 3.
2) W/S. has not been filed.

trd

25-4-97

There is no representation. Case is
adjourned till 2-5-97.


Vice-Chairman

24/4 1.5.97

Written statement
has not been filed
by the respondents.
lm
28/4

26-9-97

On the prayer of Mr. J.L. Sarkar learned Railway counsel this case is adjourned till 19th December 1997.

[Signature]
Vice-Chairman

W/s and Rejoinder has been filed

*SB
28/12*

lm
*MS
29/11*

19.12.97 Adjourned to 20.2.98
by nkm

W/s and Rejoinder has been filed

*SB
1/12*

20.2.98 It is reported that Mr M. Chanda's son is seriously ill, and therefore, he is not in a position to attend court today. For the ends of justice the case is adjourned till 15.5.98.

[Signature]
Vice-Chairman

W/s and Rejoinder has been filed

*SB
14/5*

nkm

15.5.98 Adjourned to 20.7.98.
20 by nkm

W/s and Rejoinder has been filed

*SB
16/7*

17.7.98 Heard in part. Let this case be listed on 7.8.98 for further hearing.

[Signature]
Vice-Chairman

W/s & Rejoinder has been filed

*SA
6/8*

nkm
*MS
20/7*

W/s and rejoinder has been filed.

7.8.98

On the prayer of Mr. B.K.Sharma on behalf of Mr. J.L.Sarkar, Railway Advocate the case is adjourned till 28.8.98. Mr. M.Chanda, counsel for the applicant has no objection.

List on 28.8.98.


Vice-Chairman

Written statement filed against the Rejoinder filed by the applicant.

trd
8/8/98

28/8.9

W/s, Rejoinder and Reply to the Rejoinder has been filed.

28.8.98 Adjourned to 11-9-98,

By order
tr

11.9.98 Adjourned to 23.10.98.

By order
tr

23.10.98

On the prayer made on behalf of Mr J.L. Sarkar, learned Railway Counsel this case is adjourned till 13.11.98.


Vice-Chairman

nkm

10-12-98

13.11.98

Mr M.Chanda, learned counsel for the applicant prays for two weeks time to receive instruction. Mr J.L.Sarkar, learned Railway counsel has no objection.

List on 11.12.1998. ~~for order~~.

- 1) Written statement
- 2) Rejoinder and
- 3) Reply to the Rejoinder has been filed.


Vice-Chairman

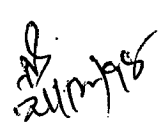
10/12/98





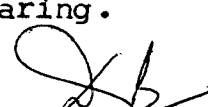
trd

11-12-98

There is no representation. Case is adjourned to 15-1-98 for hearing.

By Order



Notes of the Registry	Date	Order of the Tribunal
<p>21-1-99 Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p>	<p>15.1.99 nkm</p>	<p>There is no representation. Let this case be listed on 22.1.99.</p> <p> Vice-Chairman</p>
<p>21/1/99 4-2-99 Written statement, Rejoinder and Reply to Rejoinder has been filed.</p>	<p>22-1-99 nkm</p>	<p>On the prayer of counsel for the parties case is adjourned to 5-2-99.</p> <p> Vice-Chairman</p>
<p>4/2/99 25-2-99 Written statement, Rejoinder and Reply to Rejoinder has been filed.</p>	<p>5.2.99 nkm</p>	<p>On the prayer of Mr M. Chanda, learned counsel for the applicant, this case is adjourned till 26.2.99.</p> <p> Vice-Chairman</p>
<p>4/2/99 25-2-99 Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p>	<p>26.2.99 nkm No 5/2/99</p>	<p>Adjourned to 12.3.99 A/O AW</p>
<p>5/2/99 25/2/99 25-3-99 The case is ready for hearing.</p>	<p>12.3.99 nkm</p>	<p>On the prayer of the counsel of both side case is adjourned to 26.3.99.</p> <p>B/O</p>
<p>5/3 25/3 8-4-99 The case is ready for hearing.</p>	<p>26-3-99 trd</p>	<p>On the prayer of Mr.M.Chanda, learned counsel for the applicant case is adjourned to 9-4-99.</p> <p> Vice-Chairman</p>
<p>8/4 26-4-99 The case is ready for hearing.</p>	<p>28.4.99 pg No 3/5/99</p>	<p>On the prayer of Mr J.L.Sarkar, learned Railway counsel the case is adjourned to 7.5.99 for hearing.</p> <p> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>27-5-99</u> The case is ready for hearings.</p> <p>sd 27/5</p>	<p>7.5.99</p>	<p>On the prayer of Mr. J.L.Sarkar, learned Railway Standing counsel the case is adjourned till 28.5.99.</p> <p>List it on 28.5.99 for hearing.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>19.8.99</u> Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Regd. W.L. & M.D.</p> <p>lll</p>	<p>trd sd 10/5/99</p> <p>26.7.99</p> <p>nkm</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p><i>[Signature]</i> Vice-Chairman</p>

GUWAHATI BENCH

10

O.A.No-161 of 1996

DATE OF DECISION 28.5.1999

Shri Ardhendu Sekhar Das (PETITIONER(S))

Mr M. Chanda ADVOCATE FOR THE PETITIONER(S)

-VERSUS-

The Union of India and others RESPONDENT(S)

Mr J.L. Sarkar, Railway Counsel ADVOCATE FOR THE RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN FOR THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

(PETITIONER(S))

- 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

[Handwritten signature]

RESPONDENT(S)

THE THE

1.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.161 of 1996

Date of decision: This the 28th day of May 1999

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

Shri Ardhendu Sekhar Das,
Ex-Chief Commercial Inspector, Grade-I,
N.F. Railway, Guwahati.Applicant
By Advocate Mr M.Chanda

- versus -

1. The Union of India, through the
General Manager,
N.F. Railway,
Maligaon, Guwahati.
2. The D.R.M. (P),
N.F. Railway, Lumding,
Nagaon, Assam.
3. The Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati.Respondents
By Advocate Mr J.L. Sarkar, Railway Counsel.

.....
ORDER

BARUAH.J. (V.C.)

This application has been filed challenging the action of the respondents and claiming certain pensionary benefits like gratuity. The applicant attained the age of superannuation on 28.2.1995. After his retirement on superannuation he was not given full pensionary benefits. Hence the present application.

2. Heard Mr M. Chanda, learned counsel for the applicant and Mr J.L. Sarkar, learned Railway Standing Counsel. Mr Sarkar submits that the Railway Administration shall make a fresh calculation as per rule and make the

B

payment due to the applicant. He also submits that if certain amount is found to be recoverable that shall also be recovered. Mr Chanda submits that only Rs.43,000/- was paid to the applicant leaving a sum of Rs.10,251 which he is entitled under the rule.

3. On hearing the counsel for the parties I feel it will be expedient if the matter is sent back to the Railway Administration to recalculate the amount due to the applicant as per rule and after recalculation the authority shall make the payment if due at an early date. This must be done as early as possible at any rate within a period of two months from the date of receipt of this order.

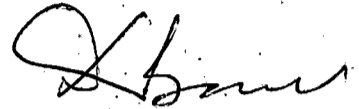
4. Mr Chanda further submits that the applicant is entitled to interest for non-payment of the amount which was due to the applicant long back. I leave it to the Railway Administration to consider as to whether interest should be paid to the applicant. While considering this aspect of the matter the respondents shall take into consideration of the decision of the Apex Court regarding payment of interest decided in the case of R. Kapur -vs- Director of Inspection (Printing & Publication) Income Tax and Another, reported in 1994(6) SCC 589 and in the case of State of Kerala -vs- M. Padmanavan Nair reported in 1985(1) SCC 429. Mr Chanda further submits that the applicant may be given a personal hearing by the respondents before taking any decision. He may also file a fresh representation giving details of his grievances and the respondents shall also dispose of the representation of the applicant, if filed within a period of two months from the date of receipt of the order, by a reasoned order. However, if the applicant is still aggrieved by the decision of the

X₂

Railway.....

Railway Administration he may approach the appropriate authority.

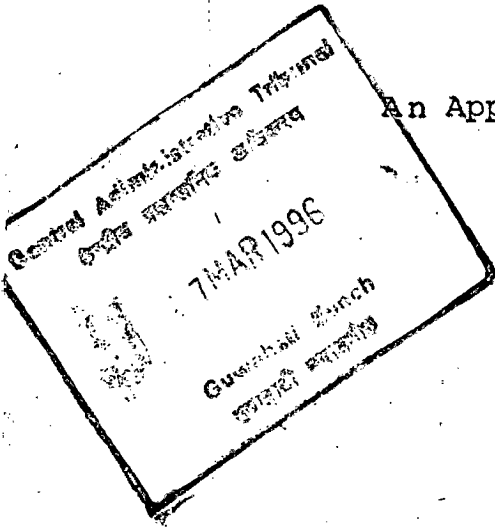
5, With the above direction the application is disposed of. Considering the facts and circumstances of the case, I, however, make no order as to costs.



(D. N. BARUAH)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An Application under Section 19 of the Administrative
Tribunals Act, 1985.



Filed by the applicant
through M. C. Das
7-3-96

O.A. No. 161/96

Sri Ardhendu Sekhar Das

-versus-

Union of India & Ors.

I N D E X

Sl. No.	Annexure	Particulars	Page No.
1	-	Application	1-10
2	-	Verification	11
3.	1	Calculation sheet for pension dt. 17.2.95	12
4	2	Calculation sheet for pension dt. 2.6.95	13
5	3	Representation dt.6.3.95	14

Date 7-3-96

Filed by :

M. C. Das
Advocate

Recd. by
J. Das
7/3/96
Gwal for MS

Ardhendu Sekhar Das

1. Particulars of the Applicant

Sri Ardhendu Sekhar Das,

Ex-Chief Commercial Inspector, Grade -I

N.F. Railway,

Son of late Haran Chandra Das

P.O. Ulubari, Behind Hotel 'Shiva'

Mukti Jujaroo Path,

Guwahati-781007

..... Applicant

2. Particulars of the Respondents

1. Union of India

through General Manager,

N.E. Railway,

Maligaon,

Guwahati-781011

2. D.R.M. (P),

N.F. Railway

P.O. Lunding,

District-Nagaon,

Assam

3. Chief Personnel Officer,

N.F. Railway,

Maligaon,

Guwahati

..... Respondents

Contd...P/2

Ardhendu Sekhar Das

3. Particulars for which this application is made.

This application is made for non-payment of DCRG, Honorarium, Packing Allowance on superannuation from service and also for refixation of pensionary benefits.

4. Limitation

The applicant begs to state that this application is filed within the prescribed limitation period under Section 21 of the Administrative Tribunals, Act, 1985.

5. Jurisdiction of the Tribunal

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

6. Facts of the case

6.1 That the applicant is a citizen of India as such he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant retired from Railway service as Chief Commercial Inspector, Grade I on 28.2.1995 on superannuation.

6.2 That the applicant initially appointed as Junior Clerk in the month of March 1957, the applicant thereafter continued in service and served the N.F. Railway in different capacities and finally he was promoted to the post of Chief Commercial Inspector, Grade I in the pay

Contd....P/4

Ardhendu Sekhar Das

scale of Rs. 2375-3500 with effect from 17.7.1994. There-
after the applicant retires on superannuation from
Railway service in the Grade of Chief Commercial
Inspector on superannuation on 28.2.95. The applicant
had submitted all required pension papers immediately
before his retirement as per instructions of the Railway
authorities i.e. D.R.M (P), Lumding. However the Railway
authorities cleared up all the retirement benefits except
D.C.R.G. However the applicant approached on different
occasions to the concerned authorities of the Railway
personally for payment of D.C.R.G. but the authorities
of the Railway did not take any initiative for timely
payment of D.C.R.G. as a result, the applicant is facing
acute financial hardship due to non-receipt of D.C.R.G.
on superannuation. The applicant also personally visited the
office of the D.R.M. (P), Lumding on a number of occasions
and requested for early payment of D.C.R.G. which is
amounting to Rs. 53,000/-.

In this connection it may be stated that
the applicant has got no other alternative source of income
and he has got two sons who are prosecuting their final
year MBBS Course under Silchar Medical College and in
this connection it may also be stated that the only
daughter of the applicant also prosecuting her AIME course
at Guwahati in the Institute of Engineers. Therefore the
applicant facing a lot of troubles to maintain the ~~expenses~~
~~xxxxxxx~~ educational expenditures for his children immedia-
tely after his retirement from railway service. But the
railway authorities although assured him verbally on number

Ardhen du Sekhar Du

of occasions but have not taken any action as regard payment of DCRG on superannuation to the applicant and as a result the applicant had to borrow loan from his relatives and friends to maintain the educational expenditure and other expenditures.

6.3 That the applicant further begs to state that on 17.2.95 the D.R.M. (P) had shown a calculation to the applicant as regard the pensionary benefits where the personal pay of the applicant was not taken into consideration while fixing the pensionary benefit and therefore the applicant submitted a representation addressed to D.R.M. (P), Lunding requesting him to compute the personal pay into pension calculation and also requested to issue a revised pension calculation. However the revised calculation sheet of pensionary benefit was issued on 2.6.95 in favour of the present applicant. But surprisingly although the pension is granted to the applicant but the DCRG amount was not revised and released till date in favour of the applicant although the applicant repeatedly approached the concerned railway authorities and also visited the office of the D.R.M. (P), Lunding but to no result.

A copy of the Ist calculation sheet dated 17.2.95 and the subsequent calculation sheet dated 2.6.95 are annexed as Annexure 1 and 2 respectively.

6.4 That your applicant begs to state that the amount due to the applicant to the applicant as honorarium has not yet been paid to the applicant even after one year of retirement on superannuation. The honorarium amounting

Ardhendu Sekhar Das

to Rs. 1400 is due to the applicant. The applicant also entitled to Packing Allowance on his retirement on superannuation as due and admissible but the same has not been paid to the applicant. Therefore it appears that the policy adopted by the respondents as regard payment of DCRG, as well as Packing Allowance and Honorarium which is due and admissible to the applicant is discriminatory and violative of Article 14 of the Constitution of India and there is not valid ground for withholding the DCRG Packing Allowance and Honorarium to the applicant. Therefore respondents are liable to pay interest at the rate of 18% per annum to the applicant on the due amount.

6.5 That the applicant repeatedly approached to the authorities for payment of DCRG amount but the respondents did not take any action as regard payment of the same as a result the applicant incurred financial loss which he could have earned if the same would have paid in time therefore the respondents are liable to pay interest as well as costs of the case as the applicant under such compelling circumstances stated above has approached this Hon'ble Tribunal for immediate redressal of his grievances.

6.6 That the applicant begs to state that he also incurring loss of Rs. 1/- due to wrong calculation and fixation of pensionary benefit by the railway authorities. In this connection it may be stated that the personal pay of Rs. 30/- which was not initially taken into account for the purpose of pension calculation but subsequently on his representation the personal pay is taken into account in

Contd...P/7

Ardhunan Sekhar Das

the revised calculation of pension even then there is a loss of Rs. 1/- in the fixation of pension calculation. The 50% of Rs. 30/- of personal pay i.e. Rs. 15/- ~~won~~ ought to have been taken into account for the purpose of pension calculation but the authorities have taken wrongly Rs. 14/- in stead of Rs. 15% in the pension calculation. Therefore respondents be directed to recalculate the pensionary benefit of the applicant by taking into account the personal pay of Rs. 15/- instead of Rs. 14 and also be directed to pay the differences accordingly.

6.7 That your applicant submitted a representation dated 6.3.95 which was addressed to D.R.M. (P), Lumding, N.F. Railway wherein the applicant requested for immediate payment of DCRG amount alongwith 18% interest and also claimed for recalculation of pensionary benefit and also requested for correct fixation of DCRG after fixation of his pensionary benefit but the respondents did not take any action on the representation dated 6.3.95 submitted by the applicant. The applicant is badly in need of money and finding no other alternative under the compelling circumstance stated above ~~approached this~~ approaching this Tribunal without further waiting any more. Therefore the Hon'ble Tribunal be pleased to interfere so that the payment of DCRG and other benefits stated above may be expedited.

6.8 That this application is made bonafide and for the ends of justice.

Copy of the representation dated 6.3.95 is annexed as Annexure-3.

Contd...P/8

Ardhendu Sekhar Das

7. Reliefs sought for :

Under the facts and circumstances stated above the applicant prays for the following reliefs :

1. That the respondents be directed to pay the total amount of DCRG due and admissible to the applicant after making correct fixation of pensionary benefit taking into account the personal pay of the applicant for pension fixation alongwith 18% interest on the total amount of DCRG due and admissible to the applicant.
2. That the respondents be directed to pay Honorarium and Packing Allowance due and admissible to the applicant with immediate effect.
3. To pass any other order and orders as deemed fit and proper under the facts and circumstances stated above.
4. Costs of the case.

The above reliefs are prayed on the following amongst other -

- G R O U N D S -

1. For that there is no valid ground for withholding the total amount of DCRG due and admissible to the applicant on his retirement on superannuation.

Contd....P/9

Ardhendu Sekhar Das

2. For that the applicant retires from railway service on 28.2.95 on superannuation.
3. For that the payment of DCRG is withheld for more than a period of one year without any valid ground.
4. For that the applicant is entitled to Honorarium which is due to the applicant during his service not yet paid even after of his retirement on superannuation.
5. For that the Packing Allowance due to the applicant as per Central Government rules on his retirement on superannuation.
6. For that non-payment of DCRG and other retirement benefits is discriminatory and the same is violative of Article 14 of the Constitution of India.
7. For that the applicant faced financial hardship due to non-receipt of DCRG amount in time.
8. For that the applicant incurred financial loss as well as interest on the principal amount of DCRG.

8. Interim relief prayed for :

During the pendency of the case the applicant prays for the following interim relief :

1. That the respondents be directed to pay the entire amount of DCRG with immediate effect without further delay.

Ardhendu Sekhar Das

The above reliefs are prayed on the ground explained in paragraph 7 of this Original Application.

9. The applicant declares that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

10. That the applicants further declares that they have not filed any other application on this subject matter before any other Tribunal/Court.

11. Details of I.P.O.

Postal Order No.

Date of Issue

Issued from

Payable at

By Adv - ~~986030~~ 34 6695
- ~~8-1-96~~ 18-8-96

- G.P.O., Guwahati

- G.P.O., Guwahati

12. Details of Index

Index containing the details of documents are enclosed.

13. List of enclosures

As per Index.

Ardhendu Sekhar Das

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

I, Sri Ardhendu Sekhar Das, son of late Haran Chandra Das, P.O. Ulubari, Behind Hotel Shiva, Mukti Jujarh Path, aged about 60 years do hereby solemnly affirm and declare that the statements made in this ^{Para 1 to 13} application are true to my knowledge and belief. I have not suppressed any material facts.

And I sign this verification on this ~~day~~ the 7th day of ~~March~~ ^{March} 1996.

Place : Guwahati

Ardhendu Sekhar Das.
SIGNATURE 7/3/96

REGD WITH A/D

(Payment through P.S.B)

N.F.RAILWAY

No. LMG/PEN/Tfc/3447 Office of the Divisional Accounts
 To Officer, N.F.Rly/Lumding
 P.O. Lumding, Dist.Nagaon (Assam)
 PIN 782447.
 The Manager (Link Branch)
 UCO Bank/Guwahati
 (Through FA & CAO) N.F.Rly.MLG.
 P.O. Guwahati
 Dist. Kamrup Rly . N.F.

Sir,

I am forwarding herewith Pension Payment Order No. LMG/PEN/Tfc/9447 dated 20.2.95 (both Disburser's Pensioner's portion) in favour of Sri Ardhendu Sekhar Das Ex CMI/Gr. I/GHY along with photocopies of photographs, specimen signature of the pensioner (Form-10) identification marks (Form-11) Mode of payment (Form 12) and Advance sanction memorandum of Family Pension for credit of pension Rs. 1308/- Note over leaf Rs 1492 Total Rs. 2800/- (Rupees two thousand eight hundred only w.e.f. 1.3.95 and thereafter Rs. x (relief (%) Rs. x Total Rs. x) only per month in his/her S.B. Current Account No. through your Paying Branch at UCO Bank/Maligaon (Account No. 452/1) Rs. x has been commuted and Rs. x shall also be credited to his S/B account as C/Value x may be deducted from his/her basic pension Rs. x .

DA/As above-Details are embodied in the P.P.O. itself. Kindly acknowledge receipt

Yours faithfully

Divisional Accounts Officer
N.F.Rly/Lumding.

Countersigned :
Designated F A & CAO/MLG, N.F. Rly.

Copy for information to :

1. DRM (P)/Lumding/Tinsukia
2. FA & CAO/N.F.Rly./MLG
3. Sri/Srimati Ardhendu Sekhar Das, Rly.Qrs. No.58A/
Nambari Rly. Colony.

He/She is requested to appear before Paying Branch of the Bank on receipt of Advice from the Branch Manager.

4. Branch Manager U.B. Uco Bank/Maligaon for information.

He is requested to advice Pensioner in terms of Para 8.2(i) of the scheme and credit pension in his/her S.B./Current Account.

Sd/- Illegible 23.2.95
Divisional Accounts Officer,
N.F.Rly./Lumding.

Handwritten signature/initials

Revised

Annexure-2

(Payment through P.S;B)

REGD. WITH A/D
N.F.RAILWAY

No. LMG/PEN/Tfc/3447

Office of the Divisional
Accounts Officer, N.F.Rly./
Lunding, P.O.Lunding,
Dist. Nagaon (Assam)
Pin-782447

To
The Manager (Link Branch)
United Commercial Bank/Guwahati
(Through FA & CAO)
P.O. N.F.Rly MLG.
Dist.

Rly N.F.

Sir,

I am forwarding herewith Pension Payment Order No. LMG/PEN/Tfc/3447 dtd. 25.5.95 (both Disburser's and Pensioner's portion) in favour of Sri/Srimati Ardhendu Sekhar Das Ex CMI/Gr. I/GHY alongwith two copies of Photographs Specimen signature of the pensioner (Form-10) identification marks (Form-11) Mode of payment (Form-12) and Advance sanction memorandum of Family Pension for credit of Pension Rs. 1322/- and Relief (%) Rs. 1653/- Total Rs. 2975/- (Rupees ~~two~~ thousand nine hundred seventy five w.e.f. 1.3.95 to and thereafter Rs. (+) Relief (%) Rs. total Rs. only per month in his/her S.B. Current account No through your Paying Branch at Uco Bank/ Maligaon (Account No. 452/1) Rs. 4.00 has been commuted and Rs. 502/- shall also be credited to his S/B account as C/Value 440/- may be deducted from his/her basic pension Rs. 1322/-

DA/As above - Details are embodied in the P.P.O. itself.
Kindly acknowledge receipt.

Yours faithfully

Counter signed :

Divisional Accounts Office
N.F.Rly./Lunding.

Designated FA & CAO/MLG N.F. Rly.

Copy for information to :-

1. DRM(P) Lunding/Tinsukia
2. FA & CAO/N.F.Rly/MLG
3. Sri/Srimati Ardhendu Sekhar Das, Rly. Qns. No. 58/A Nambari Rly. Colony, P.O. Guwahati-11 Dist Kamrup, Assam.

He/She is requested to appear before Paying Branch of the Bank on receipt of Advice from the Branch Manager.

4. Branch Manager UCO Bank/Maligaon for information.

He is requested to advice Pensioner in terms of Para 8.2(i) of the scheme and credit pension in his/her S.B./Current Account.

Sd/- Illegible
Divisional Accounts Officer
N.F.Rly./Lunding

*AA as Fed
@ mlc
Adv*

To

DRM(P) LMG (F.S. Section)
N.F.Rly. Lunding.

Dear Sir, Ref : Pension Payment Order No. TFC/3447 dated
20.2.95

Revised Payment Order No. TFC/3447 dated
25.5.95.

I am to inform you that my retirement/Death Gratuity admissible Rs. 52965.00 have not yet been paid to me although I have retired from service on 28.2.95. My two sons are studying MBBS and my daughter studying AMIE (Degree Engineering in Electronics) and I am facing financial hardship staying in rental house for education of my children.

I am requesting you for early payment of the entire amount immediately failing which I shall be compelled to take legal steps, claiming 18% (Eighteen) interest on the entire amount payable to me from the date of retirement.

My Pension was fixed on 20.2.95 without taking into consideration of my Personal Pay Rs. 30/- which was drawing since 1980 vide CPO/MLG No. FIXN/369/E/132/3/1(c) dated 26.3.87 and CPO/MLG Office Order No. 540E/1201(T) dt. Maligaon 5/87 & Office Order No. 540E/1233(T) dt. 2.1.81 (Revised from Rs. 15/- to Rs. 30/- on 1.1.86)

Revised pension was fixed Rs. 1308 + Rs. 15/- PP = Rs. 1322/- which is not correct, it should be Rs. 1308/- + Rs. 15 = Rs. 1323 and the DCRG payable amount will more at the basis of Rs. 5/- (not Rs. 4/-) and subsequent commutation of Rs. 1/- less (Rs. 5/- - 4/- = Rs. 1/-) paid since 28.2.95.

Yours faithfully,

Sd/- Ardhendu Sekhar Das
C/o Mr. Dilip Kr. Dutta
Roopnagar Mukti Jujaroo Path
Behind Hotel SHIVA, Ulubari
Guwahati-781007.

*A. H. Das
Dilip
Adh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

15
Filed by the Respondent
by T. Banerjee
Advocate
28/5/97

Central Administrative Tribunal
Guwahati Bench
895
3 JUN 1997
YH
Central Bench
(1997/10/1)

OA No.161/96

Sri A.S.Des ... Applicant

VS

DOI & others .. Respondents.

In the matter of

Written statement filed on
behalf of the respondent No.1, 2
and 3.

The respondent No. 1, 2 & 3 respectfully beg to state
as under :-

- 1) That the respondents have gone through the original application filed by the applicant and understood the contents therein.
- 2) That the applicant has filed the above original application after his retirement for the non payment of DRC, Honorarium, packing Allowance and also for refixation of pensionary benefits.
- 3) That the averments made in para 6.1 of the original application are admitted as these are consistent with the available records.

Contd...P/No.2

4) That the allegation of the applicant in para 6.2 of the OA that he has not been paid his DCRG amount is denied. The applicant in his own clear signature drew cheque No. E759453 Dtd. 27-2-66 for Rs. 43,208.00. His total DCRG comes to Rs. 53,460.00 and deducting the Rly. dues Rs. 10,251.50 net amount of DCRG amount comes to Rs. 43,208.00.

The Rly. dues with break up shown in annexure and marked as R/1.

5) That in reference to the para 6.3 of the OA, your respondents humbly state that the first pension calculation as is said to have shown to applicant without taking the personal pay into account, was rightly done. The pension formula stands as 50% of last 10 months average emoluments. Emoluments for pension means only the basic pay not including the special pay and personal pay. As such the revised calculation sheet of pension issued on 2-6-66 taking the personal pay (for tubectomy operation) was wrong upon which he is being paid till now. The recalculation has not been done during the pendency of the case.

The claim of the applicant for revised DCRG amount taking the personal pay into account has no basis and as such the claim is denied.

The pension calculation of the applicant is annexed herewith and marked as Annexure-R/2.

-3-

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6) That your respondents beg to state in reference to the para 6.4 of the OA that packing allowance is admissible upto 1 year from the date of retirement. The applicant has not submitted any application for packing allowance till now. As such the allegation brought in this para is denied.

As regards honorarium, the applicant is not specific. Moreover, the applicant has no claim of honorarium lying with the respondents. Hence this allegation is also denied.

7) That your respondents beg to submit that the applicant is very much a vent upon the revised pensionary calculation which was done wrongly at the representation of the applicant as is already stated in para-5 above. Even then the allegation of incurring loss of Re.1/- is denied by your respondents. The applicant's claim has not basis. 50% of Rs.30/- = Rs.15/- and he is getting Rs.14/-. It is not clear to your respondents how the applicant alleges that he is getting Rs.14/- instead of Rs.15/-. The revised calculation sheet, though wrong one in taking into account the personal pay Rs.30/- as is already mentioned in para-5 above, clearly shows that personal pay was taken for the last 10 months and his pension came to Rs.1322/-.

The pension calculation is shown in annexure and marked as R/2.

8) That in the facts and circumstances explained above, the respondents ^{shall have to} kindly be directed to recalculate the pensionary benefit (wrongly made) excluding the personal pay and to deduct the overpayments already made to the applicant ^{and} the applicant ^{has} be directed to ^{refund} pay the overpayment or ~~in any other mode as your~~ ^{is} ~~lordship does fit~~ and the respondents further humbly submit that the application deserves to be dismissed with cost.

-(4)-

VERIFICATION.

I Sri Nitya Nand Thakur

Son of Late Pran Mohan Thakur, aged about

47 years, by occupation Rly. Service, working

as Divisional personnel Officer, Lunding

do hereby solemnly affirm and state that the statements in
para 2, 3, 4, 5, 6 & 7 are true to my knowledge and information
being matters of records and facts are my humble submission
before this Hon'ble Tribunal.

29/5/97

Nitya Nand Thakur

मंडल कार्यालय अधिकारी
पू० सी० रेलवे, लुण्डिंग
Divisional Personnel Officer,
E. F. Railway, Lunding.

- 5 -

- 19 -
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ANNEXURE - R/1

Shri A. S. Das, Ex. CMI/I/GHY Rtd. on 28/2/95

Total DCRG calculated	Recovery done
Rs. 53,460.00	a) F/Elect- Bill Rs. 526.50
(-) 10,251.50	b) Arr. Elect. Bill Rs. 3000.00
<hr/>	c) Store debit Rs. 411.36
Net Rs. 43,208.50	d) Over payment of (L/s) Rs. 272.00
	e) Normal rent (1.3.95 to 30.6.95) Rs. 276.00
	f) Demage rent (1.7.95 to 30/10/95) Rs. 5765.64
	<hr/>
	Rs. 10,251.50

[Signature]
28/5/95
श्री अशोक कुमार शर्मा (आयुक्त)
पू. जी. रेलवे, लुधियाना
or Divl. Rly. Manager (P)
N.F. Rly. Ludhiana


Annexure- N/2.

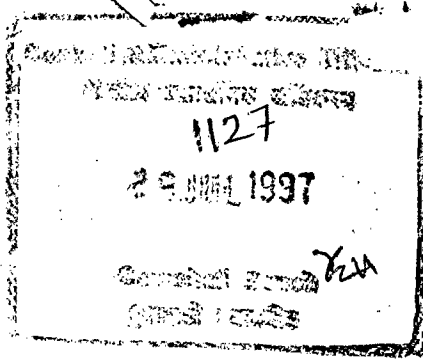
CALCULATION OF PENSION OF SRI A.S.DAS.

<u>Periods.</u>	<u>Rate of pay + Personal pay.</u>	<u>No. of days.</u>	<u>Amount.</u>
3.5.94 to 31.5.94	@ 2450 + Rs.30/- PP = 2480	x 29 days	= 2397.35
1.6.94 to 30.6.94	@ 2450 + Rs.30/- PP = 2480	x 1 month	= 2480.00
1.7.94 to 16.7.94	@ 2525 + Rs.30/- PP = 2555	x 16 days	= 1318.70
17.7.94 to 31.7.94	@ 2675 + Rs.30/- PP = 2705	x 15 days	= 1308.87
1.8.94 to 28.2.94	@ 2675 + Rs.30/- PP = 2705	x 7 months	= 15935.00
			<hr/>
			10 months = 26439.90

Average emoluments 26439.90 ÷ 10 = 2643.99

S/Pension 50% of Rs.2643.99 = 1321.99 i.e. Rs.1322/-.

 28/5/97
 or Divl. Rly. Manager (P)
 N.F. Rly. Lumding



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21 34

Filed by the applicant through N.D. Goswami Advocate 29/4/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

In the matter of -

O.A. 118/96. IGI/96 *JK*

Shri A.S. Das,

Vs.

Union of India & Ors.

-AND-

In the matter of -

Rejoinder submitted by the applicant.

The applicant above named, most humbly and respectfully begs to state as under :-

1. That with regard to the statements made in paragraphs 4 and 5 of the written statement, the applicant admit only to the extent of receipt of a cheque of Rs. 43,208/- and categorically deny the other statements by the applicant and further bags to state that the said payment of Rs. 43,208/- is also received after a lapse of 1 year 20 days after the retirement of the applicant on superannuation. The applicant deny the correctness of the electricity bill of Rs. 3000/- and the same is required Verification before payment of the said electricity bill.

Recd. JDS-1 RA 29/7/97

29/7/97

The.....

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The applicant further stoutly deny the correctness of the bill of Rs. 411.36 and Rs. 272.00 (over payment) shown in column C & D of the annexure R/I and the applicant further categorically deny the correctness of the damage rent bill of Rs. 5,765.64 shown in column (f) of the Annexure R/I in this connection it is ought to mention that the applicant has obtained permission for retention of Railway quarter vide ADRM's order issued under letter No. NI.E/CHY/98/13 dated 9.8.95 for the period from 1.3.95 to 31.10.95 i.e. for a period of 8 months on normal rent basis, therefore question of damage rent does not arise at all, hence the damage rent bill is incorrect. Moreover, DCRG, cannot be withheld namely because of alleged recovery, for electricity bill and rent. The respondents in the instant case, delayed, the payment of DCRG. for more than 1 year. Thereby Railway have caused irreparable financial loss to the applicant. Therefore, respondents are duty bound to pay interest on the total amount of DCRG. and also liable to refund, the balance Rs. 10,000/- with 18% interest. The Railway Authority did not inform the applicant, regarding the bills shown in the Annexure - R/I, otherwise. The same would have been paid by the applicant after verification of the since as all the bills are not prepared correctly.

XXXXXXXXXX

Regarding.....

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- 3 -

Regarding brief case, in terms of Railway letter No. 2/262/4 dated 8.11.91 & 10.11.95, it is directed that in case of non return of the brief case, after expiry of 4 years 1/10th of the original price may be recovered, which stand to Rs. 41.61 therefore the bill recovery in connection with brief case, is violative of Railway Rules. The applicant have duly submitted the ADRM's permission of retention of Railway quarter to A.P.O. Guwahati for necessary action but it appears now the same has not been done by Railways.

A copy of letter dated 11.10.95 letter dated 13.12.95 and verification report dated 30.10.95 and letter dated 9.8.95, copy of sanction of personal pay vide memorandum No. 540E/120 I(T) dated .5.87, and letter dated 10.3.94 representation for payment of Honorarium dated 10.3.94, 22.2.95, are enclosed as Annexures, 4, 5, 6, 7, 8, 9, 10 and 11 respectively.

2. That your applicant categorically denies the statement made in paragraphs 5, 6 and 7 of the written statements and further begs to state the pension has been rightly calculated including the personal pay, and the respondents are put to strictest proof to the contrary. The claim of packing allowance was submitted on 13.12.95

and the.....

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and the same is now released , only on 28.9.96, vide a cheque of Rs. 2025/- bearing cheque No. E 765528 dated 20.9.96, through registered letter dated 26.9.96.

As regard Honorarium the claim was preferred jointly by the TI/Gauhati and the applicant vide letter No. DRM/LMG's letter No. T/MISC/LM dated 23.9.92 and 9.1.93 and the Joint bill was prepared, by the APO. Gauhati's Bill No. S/125 dated 27.7.93, & EB/505/EN/395 dated 27.7.93 forwarded to DRM/Accounts/Lunding to approve payment accordingly, the job for which the Honorarium is claimed have been in the month of September, 93 and the bill was prepared in the month of July 93, but the same is till date not yet paid to the applicant even after his retirement on superannuation. The applicant represented to the concerned authorities from time to time but the same is denied arbitrarily. All the representations are annexed herewith for perusal of the Hon'ble Tribunal.

In the circumstances the application ^{is} deserves to be allowed with cost.

VERIFICATION.

I, Shri Ardhendu Shekhar Das, son of late Haran Chandra Das, resident of Ulubari, Gauhati, aged about 61 years, do hereby declare and verify the statements made in paragraph 1 to 2 are derived from the records, and the rest is my humble submission before the Hon'ble Tribunal.

Place : *Gauhati*

Ardhendu Shekhar Das.

Signature.

Date - *29/7/97*

Annexure - 4.

NORTHEAST FRONTIER RAILWAY.

Office of the
General Manager/N.E. Railway,
Naligaon, Guwahati-1.

No. 2/262/4/

Dated: 11.10.95.

Sub: Procurement of brief cases/leather bags.

Ref:- This officer Memorandum of even number
dated 8.11.91.

Further to this office Memorandum quoted above,
in view of the escalation in cost for the past 4 years,
it has now been decided to revise the cost of the entitlement
of officers/Inspectors/Supervisory staff for the procurement
of brief cases/leather bags as under :-

<u>2. Eligibility.</u>	<u>Existing cost ceiling.</u>	<u>Enhanced cost ceiling.</u>
(a) Inspectors/Supervisory staff in scale (2000-3200/(2375-3500)).	Rs. 250/-	Rs. 500/-.
(b) Asstt. Officers.	Rs. 350/-	Rs. 600/-.
(c) Sr. Scale.	Rs. 450/-	Rs. 750/-.
(d) Jr. Selection Grade.	Rs. 500/-	Rs.1000/-.
(e) SAG.	Rs. 700/-	Rs.1200/-.
(f) Officers in scale (7300-600).	Rs.1000/-	Rs.1500/-.
(g) AGM/GM.	Rs.1500/-	To be decided on case by case basis.

3.....

Attested
S.P. Saini
Adv.

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Annx. 4.

3. Following terms and conditions must be followed :-
 - 3.1. The supply should be obtained through Stores Department with the personal approval of concerned PHOD/DRM in the case of officers and supervisory personnel working under them. Brand of the brief case/bag will also be decided by the indenting officers.
 - 3.2. Procurement can only be made after expiry of its life time i.e. 4 (four) years, when the old becomes un-serviceable and unfit for use.
 - 3.3. Condemned old one should be deposited with the Store Department under A/Note.
 - 3.4. Item will be treated as an office article/equipment and should be maintained in the Dead Stock Register of the office concerned.
 - 3.5. In case of transfer of Officers/Staff, he/she must deposit the brief case/bag to the issuing office unless transfer is within the same Office (having the same Dead Stock Register). Proper entry must be made in the Dead Stock Register and handing over note.
 - 3.6. To get replacement of the brief case/bag by a new one after expiry of its normal life, the old one is to be returned. In case of

non-return.....

Attested
DD
Adm.

Annx. 4.

non-return of brief cases/bags after its normal life, 1/10th of the original cost of the brief case/bag will be recovered/deposited from the Officers/Staff to supply a new one.

3.7. Only those Inspectors/Supervisory Staff who are required to carry confidential documents and are to go out on tour frequently will be eligible for brief cases/leather bags. As far as possible this will be limited to the Inspectors/Supervisory staff who are working in scale & Rs. 2000-3200/- & Rs. 2375-3500/-.

3.8. The list of such staff will be recommended by the PHOD/DRM concerned and will be approved by AGM.

This issues with the concurrence of FA & CAO/E&B and sanction of G.M.

R.K. Singh, 11/x/95.
(R.K. Singh)
Dy. General Manager (G).

Copy to : COS/PER for information and necessary action.

Copy to :-

AGM

PHODs. & HODs. - M.L.G.

DRMs - KIR, APDJ, LMG & TSK.

SAG/JAG officers on independent charge.

Chairman/RRB/Guwahati.

Secretary to GLM. (Con)/Maligaon.

R.K. Singh.
(R.K. Singh) 11/x/95.
Dy. General Manager (G).

Attested
A. Das
Adv.

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Annexure - 5.

To
The DRM(P)/N. F. Rly.,
Maligaon,
(Through APO/GHY).

Dear Sir,

Sub:- Vacation report of Rly. Qrts. 58/A
at Nambari Rly. Colony.

I have vacated the above Rly. Qrts. on 30.10.95.

I am also obtaining the Electric bill from the
EF/PNO enclosing herewith.

My final settlement may be processed at your earliest.

Enclosed :

1. Original vacation report.
2. Duplicate copy of E/Bill along with forwarding letter.
3. Original office order of DCM/GHY.
4. Retention of Wrts. orders' Copy.
- 5) Original Return back of Duty Card Pass.
- 6) Original Store clearance from DCM/LMG/Stores.
- 7) Original Return clearance identity card.

Yours faithfully,

sd/- Illegible.

13.12.95.

Attested
Adm.

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29/12

Annexure - 6.

To
The DCM/Guwahati,
N. E. Railway.

Dear Sir,

Subj:- Vacation report of Rly. Wrts. No. 58/A, Nambari
Railway Colony.

- Ref:-
- 1) Your Office Order No. C2/GHY/Allot/Comml/92/42
(C/III) dtd. 16.02.1995.
 - 2) ADRM, GHY's Retention Permission of Qrts. for
eight Months' Ni. E/GHY/Or/13 Dtd. 9.8.95.
 - 3) DRM(P)/LMG's Final Settlement Case No. LMG/
PEN/Tfc.) /3447 dt. 20.2.95.

We the undersigned handing over and taking over the
above Wrts. in compliance with the above orders on 30.10.95.

Yours faithfully,

- 1) Archendu Sekhar Das.
30/10/95.
- 2) Illegible. 30.10.95.
1. Archendu Sekhar Das.
Ex-CCMI/GHY.
2. Indrajit Das.
3. GC/NGC,

Copy for information to :

- 1(DRM(P)/LMG, for final settlement.
- 2) ADRM/GHY --- Sd/- Illegible. 30/10.
- 3) IPO/GHY..
- 4) IOW/MLG (Gosala) - Sd/- Illegible.
30.10.95.
- 5) EF/MLG (Goswala) -
- 6) EF/PNO Sd/- Illegible.
6.4.95.

*Attested
A.P.
A.P.*

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30/3

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Annexure - 7.

N. F. Railway.

MEMORANDUM:

ADRM/GHY has accorded his sanction to the retention of Railway quarter No. 58/A type-II at Nambari Railway Colony Maligaon to Shri Ardhendu Sekhar Das, Ex-CCMI Ex. CCMJ/GHY already retired on 28.2.95 on superannuation as under :-

S.No.	Name	Design.	QR. NO. Location.	PERMISSION OR Normal rent.
1.	Shri Ardhendu Sekhar Das.	Ex. CCMJ/GHY.	58/A Type-II at Nambari Colony.	1/3/95 to 31/10/95, 8 months.

APD. GHY.
Dt. 9.8.95.

NC. E/GHY/CR./13.

Copy forwarded for information and necessary action to :-

- 1) DRM(P)/LMG, (2) ADRM/GHY, (3) DAO/LMG, (4) Staff concerned.
- 5) CCMJ/GHY, (6) BU & MR MU/GHY (7) SC & St. Association/GHY.

sd/- Illegible.

Se₁ - Asstt. Personnel Officer,
N. F. Railway, Gauhati.

*Allected
d An
Aan*

Annexure - 8.

N. F. RAILWAY

MEMORANDUM.

Intems of Board's letter No. PC-IV/86 Increment/1 dated 9.3.87 circulated under CPO/MLG's circular No. FIKN-369/E/132/3/1 (C) dated 26.3.87. Special Increment in the form of Personal Pay not to be absorbed in future Increment for undergoing Sterilisation/Tubectomy Operation which was granted previously to the following staff of COO's office/MLG vide memorandum shown against each is hereby raised w.e.f. 1.1.86 at the Rate mentioned against each :-

S. No.	Name & designation.	Spl. Inc. granted.	Memo. No. & date.	Date of Inc. raised from.	Remarks.
1.	Shri A.K. Das, H.C.	<u>15/-</u> 1.7.84.	540E/1657(T) dt. 4.6.84.	<u>30/-</u> 1.1.86.	
2.	" S. P. Choudak Jr. Clerk.	<u>6/-</u> 1.10.83.	540E/3114(T) dt. 6.2.84.	<u>20/-</u> 1.1.86.	
3.	" A. S. Das, H. C.	<u>15/-</u> 1.1.80.	540E/1233(T) dt. 2.1.81.	<u>30/-</u> 1.1.86.	
4.	" N. Choudhury, H. C.	<u>15/-</u> 1.11.83.	540E/121(T) dt. 13.2.84.	<u>30/-</u> 1.1.86.	
5.	" T. Sheikh, Sr. Clerk.	<u>12/-</u> 1.4.86.	540E/2091(T) dt. 12.5.86.	<u>30/-</u> 1.4.86.	
6.	" B. P. Chakraborty, CI/HQ.	<u>20/-</u> 18.3.85.	540E/2041(T) dt. 9.7.85.	40/-	
7.	" P. T. Mukherjee, CI/HQ.	<u>12/-</u> 1.8.80.	540E/3042(T) dt. 11/26.11.86.	30/-	

sd/- Illegible.
for CHIEF COMMERCIAL SUPDT. (P).

No. 540E/120 1(T). Maligaon, dated 5.87.

Copy forwarded for information and necessary action to :-

- 1) PA & CAD/MLG.
- 2) ET/Bill (in duplicate).
- 3) OS/CI/MLG.
- 4) Staff concerned through OS/CI.

sd/- Illegible.
for CHIEF COMM. SUPDT. (P).

*Attested
Adv.*

Annexure - 9.

To
The APO/GHY,
(Through Proper Channel).

Sir,

Sub: Payment of Honorarium bill.

Ref:- 1) DEM/LMG's Circular No. T/Misc/LM/Pt-II
dt. 27.9.92 & 9.1.93.

2) Bill N o. S/125 dt. 27.7.93.
EE/Sis/EN/395 dt. 27.7.93.

As desired by DMO/LMG that there will not be a joint bill for payment of honorarium on the above circular.

In this circumstances I am furnishing herewith the honorarium bill in separate so that the amount billed for Rs. 3603.00 may please be divided amongst us and reimburse accordingly.

The necessary enclosures in eight copies duly certified by pay clerk are enclosed.

Yours faithfully,

Sd/- Arduamda Sekhar Das.
10.3.94.

(P. S. Das) ;
CCML/GHY.

Enclosed - 8 (Copies).

*Attested
San
Adm -*

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32/45

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33
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Annexure - 10.

To
The A.P.O./GHY, N. F. Rly, Guwahati.

(Through Proper Channel).

Sir,

Sub:- Pending Payment of Honorarium Bill of 1993.

Ref:- (1) DRM/LMG's letter No. T/Misc./LM
dt. 23.9.92 & 9.1.93.

(2) Bill No. 5/125 dt. 27.7.93
EB/505/EN/395 dt. 27.7.93.

Please refer to my letter dt. 10.3.93 wherein I have claimed that the Honorarium for payment of (cash) salary & Bonus to the staff under the jurisdiction i.e. from CPK to ACT & CPK to MEO - SHTT Branch Section during Durgapuzza of 1992 have not yet been paid & a reply to which is awaited.

It has also informed in the above letter that DAO/LMG. have returned the above Bill and remarked that the joint Bill should be separated and individual Bill should be prepared a Bill for Rs. 2603.00 was prepared.

However, without knowing the fate of the non-payment of Honorarium, I am enclosing the original joint commercial & operating letter No. T/MSC/LM dt. 23.9.92 to the CM's & TI's of the LMG/Division where directed them to go for payment jointly for payment before Durga Puja of September/92 to the staff of their. Salary & Bonus.

It is also informed that will you please ascertain from your offer from my salary bill that I have drawn T.A. Bill for the month of September/92.

Drawal of cash certificate from the cashier of GHY & MILG also enclosed in my letter dt. 10.3.93.

I am going to be retired from service on 26.2.95 and requesting you to please arrange payment of the Honorarium of Sept/92 to me by separate Bill.

APO/Ghy. long
This is ~~being~~ a pending case and the staff concerned ~~will~~ be retiring at the end of Feb.'95.
Pl. arrange to clear the bill at the earliest.

Sd/- Illegible.
23/2.

Sesi

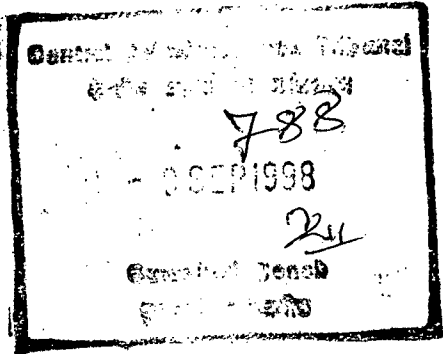
Yours faithfully,
Sd/- Illegible 22.2.95*
(Archendi Sekhar Das),
~~CCMI/GHY.~~
CCMI/GHY.

Dt. 22.2.95. Enclosed - 1 (one)
As above.

Attestal
Adm

57
File number
by
22/09/98

In the Central Administrative tribunal, Guwahati Bench. Guwahati



Plity a Mand Taluk

In the matter of
OA 161/96

Shri A.S.Das
=Vs=
UOI & Others
-And-

In the matter of
Reply
Written statement to
the rejoinder submitted by
the applicant.

The respondents, most humbly and respectfully submit :-

- 1) In reference to the para 1 of rejoinder that the applicant retired from service wef. 1.3.95 .Thereafter he vacated the Rly.Qrs. on 30/10/95. On 13/12/95 the applicant informed the respondent No.2 that he vacated the Quarter on 30/10/95 and to process the settlement dues and in support he submitted seven documents as enclosures which are necessary for processing the case of settlement dues. On receiving all these papers except arrear bill, of electricity for the period from the date of resumption i.e. 31/7/92 to November, 1994, the case of settlement dues was processed only withholding Rs.3,000/- from DCRG for the above arrear electricity bill so that the early payment of DCRG can be made to the applicant. Accordingly a cheque No.E 759463 was issued to the applicant on 27/2/96 which was acknowledged by the applicant on 21/3/96 and thereafter Rs. 2,383.15 was released from the withheld amount of Rs. 3,000/- deducting Rs. 616.85 for arrear electricity bill for the period

31/7/92 to November/94 vide AB No. 62 LPEN dtd: 28/11/97
and CO7 No. 64 PN dtd: 10/12/97.

The above position clearly shows that there was no delay and insincerity on the part of the respondents to release the DCRG amount which was paid to applicant by issuing a cheque on 27/2/96. The delay was not caused by the respondents but by the applicant himself due to the retention of Quarter and submission of requisite documents by the applicant in late.

As to the store debit of Rs. 411.36 the respondents admit that there was some error detected. The amount of store debit for non return of brief case should be Rs. 41/- instead of Rs. 411.36 and accordingly the applicant was intimated by the Divisional Railway Manager (Commercial) vide his letter No.C/178-LM/57 dtd. 22/9/97.

As to Rs.272/- on account of leave salary the respondents state that an overpayment of Rs.272/- was made to the applicant on account of leave salary amount. The amount paid should be Rs. 46,040/- in place of drawn amount of Rs. 46,312/-. Accordingly Rs. 272/- being the difference was deducted as per calculation sheet annexed herewith.

As regards to damage rent of Rs. 5,765.64 the applicant has tried to suppress and conceal some ~~fact~~ facts. The fact is that the applicant submitted two applications simultaneously, one to the Divisional Railway Manager/ Lunding and the other to additional Divisional Railway Manager, Guwahati for retention of Railway quarter for eight months on normal rent from the date of his retirement. Either of them was not informed by the applicant that he applied for retention of Quarter, to the other. Accordingly Divisional Railway Manager, Lunding as per Railway Board's letter No.E/G/85 QR 1/9 dtd: 15/01/90 permitted him to retain Quarter for 4 months on normal rent as is permissible vide memorandum No.E/221/2/LM (Qrs.) Pt.VIII dtd: 2/8/95, on the other hand Additional Divisional Railway Manager permitted the applicant to retain the Quarter for 8 months on normal rent from the date of his retirement which was not as per

as per provision of the Railway Board's above letter, Now the applicant is ~~lous~~ on the permission of retention for eight months on normal rent and concealed the fact of 4 months permission on normal rent granted by the Divisional Railway Manager/Lunding which was as per Railway Board's above letter.

Thus the normal rent of 4 months was deducted and Rs. 5,765.64 was deducted as damage rent for another 4 months.

The letter No. E/178-IM/57 dtd: 22/9/97, leave salary calculation sheet, permission of Divil. Railway Manager/Lunding for retention of Quarter vide memorandum dtd: 2/8/95 and Rly. Board's letter dtd. 15-1-90 are annexed and marked as Annexure ~~R/1, R/2, R/3 & R/4~~ respectively.

2) That in reference to Para- 2 of the rejoinder the respondents state that the pension calculation taking the personal pay into account was wrongly done. The Annexure-8 ~~of~~ to the rejoinder submitted by the applicant is mere a sanction memorandum and not the Railway Board's circular. The same does not speak of inclusion of personal pay in the pensionary calculation. As such the respondents do not take any cognizance of the memorandum so far the pensionary calculation is concerned. The applicant is put to the strictest proof/ production of or relevant circular on the basis of which he claims that that personal pay is to be taken in pensionary calculation. The claim of honorarium is still under examination as the claim appear to be a disputed one.

Nitya Nanda Haldar

VERIFICATION.

I, Shri Nitya Wand Thakur, Working in N.F.Rly. as
 Divisional Personnel Officer, N.F.Rly/ Lunding,
 do hereby declare that what is stated in the
 written statement for the rejoinder are true to
 best of my information received and derived from
 the Official records which I believe to be true
 and I sign this verification on this 31st
 day of December, 1997 in my office at Lunding
 on proper authority.

Nitya Wand Thakur

Divil. Personnel Officer,
 N.F. Railway Lunding.

[Faint, illegible text]

-5-

Arsham P.

36

5

N.F. Railway

Office of the
DRM(C)'s office Lunding
Dated: 22.09.97

No: C/170-LJ/87

To: DRM(P)/LND(P) Section

Sub: Regarding the deduction an amount of non return of brief case by Shri A.S.Das ex CCRJ/GHY

Ref: This office letter no: C/170-LJ/87 dt: 14-11-95

In partial modification of this office letter under reference it is intimated that an amount of Re 41.00 is to be deducted instead of Re 417.35 towards the non return of the brief case by Shri A.S.Das at the time of retirement. The amount of Re 41.00 is being the cost of the Brief case.

For Divisional Ry. Manager(Coml)
N.F.Railway, Lunding

Copy to-(1) CCO/MLG for information please. This is in reference to his letter no: C/317/15/Claims/Store dt:03-04-95

(2) Shri Arshandas Sekhar Das ex CCRJ/GHY; Rly qrs no- 58(A) Harbati P. Ry colony, Guwahati, 11 Dist-Meurup (Assam) for information please

(3) DCR/GHY for information please

(4) L&Legal cell/Lunding, for information please

Arsham P. 22/9/97

For Divisional Ry. Manager(Coml)
N.F.Railway, Lunding

.....

Arsham P.
RA.

overpayment statement encasement of leave salary of Sri Ardhendra Sekhar Das Ex C.C.MI/Geny. Ptd dt 28.2.95. due to DA of 4.P.

Already done

- NET amount Rs 45,800.00 was done previously vide
- B.R.NC - 15/TFC/298 dt 15.2.95
- A.B.NC - 146 LRS dt 21.2.95
- C.C.NC - 61 LE dt 21.2.95 and
- Revised leave salary net amount Rs 512.00 was done previously vide
- B.R.NC - 15/TFC/21 dt 28.2.95
- A.B.NC - 36 LRS dt 4.4.95
- C.C.NC - 56 LE dt 13.4.95

Total amount Rs 45,800.00 + 512.00 = Rs 46,312.00

	Allocation
G-260-07	PAY - R 110.00
G-260-02	DA - R 162.00
	<u>272.00</u>

Should be done

Pay Rs 2675.00 + 30.00 P.P.
 D.A. 1141. 3050.00
5725.00
 + 30.00 P.P.
5755.00
 = 5755.00 x 240
 30

= Rs 46,040.00

diff of Rs 46,312.00 - 46,040.00 = Rs 272.00

net amount Rs Two hundred seventy two only.

overpayment Rs 272.00 (Two hundred seventy two only) will be Recovery from his D.C.R.G.

Handwritten signatures and initials

Handwritten signature
 For Dir. At, Manager (P)
 S. P. At, Bangalore
 3/8/95

MEMORANDUM

Retirement

DRM/LMG has accorded sanction the retention of Ry. Qrs. to the following persons after retirement/
transfer/Death etc.

S/N	Name	Desig/Snt.	Date of Rtd.	Qrs. No. & Location	Permission of W/rent	Permission on P/rent.
1	2	3	4	5	6	7
1.	Sri Ganga Ram Josowera.	Ex. MCM under/ WS/LMG.	30.6.95.	L/374(B) Type-I(B) HRLF colony/LMG.	01.7.95 to 31.10.95.	-
2.	" Awadesh Kr. Roy.	Ex. H.A. Clerk/ LF/LMG.	31.7.95.	H/17(C) type-II (Elect) HRLF colony/LMG.	01.8.95 to 30.11.95.	-
3.	" Ram Naresh Gupta.	Ex. OS/II/NGC. under LF/NGC.	30.6.95.	623(A) type-II at NGC.	01.7.95 to 31.10.95.	01.11.95 to 28.2.96.
4.	" Aswani Kr. Das.	Ex. FPO-I under IOW/BPB.	31.7.94.	T/98(B) type-II. Kerani patty BPB.	01.8.94 to 30.11.94.	01.12.94 to 31.3.95.
5.	" Kalipada Roy.	Ex. Carpenter under IOW/BPB.	31.12.94.	548(A) at First bridge colony/BPB.	01.01.95 to 30.4.95.	1.5.95 to 31.8.95.
6.	" Gopal Ch. Deb Nath.	Ex. K. al. Under IOW/JID.	31.5.95.	E/37(B) type-I (Elec) at JID.	01.6.95 to 30.9.95.	-
7.	" Narendra Ch. Das.	Ex. Sr. Store W/Man under IOW/DTC.	31.1.95.	E/8-A type-I (non-Elec) at DTC.	01.2.95 to 31.5.95.	-
8.	" Kenu Lal Bhowmick.	Ex. St. Master/ I under YS/NGC.	30.06.95.	232(H) type-II at NGC.	01.7.95 to 31.10.95.	-
9.	" Brajendra Ch. Mallik.	Ex. Sg. master-I under YS/NGC.	31.3.95.	T/6(A) NNGE.	01.4.95 to 31.7.95.	01.8.95 to 30.11.95.
10.	" Pritish Rn. Neg.	Ex. CRS/GHY.	30.4.95.	267/A type-II at W/Go tanager/MLG.	01.5.95 to 31.8.95.	-
11.	" Ardhendu Sg. Das.	Ex. GCM I under DCM, GHY.	28.2.95.	58(A) type-II at Nambari/MLG.	01.3.95 to 30.6.95.	-
12.	" Barcha Tiwari.	Ex. P/Man under YS/NGC.	31.3.95.	812(F) type-I at NGC.	01.4.95 to 31.7.95.	-

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EXPIRED Cases.

- | | | | | | |
|----|---|--|----------|------------------------------------|------------------------|
| 1. | Smt. Sandhya Sengupta, W/O Late Adish Sengupta. | Ex. S.W.M/CPWI/H/LMG. | 22.2.95. | 741-K(D) at south hill colony/LMG. | 22.2.95 to 21.10.95. - |
| 2. | Smt. Sandhya Rani Routh, W/O Late Amer Ch. Routh. | Ex. Jeep Driver/DRM(W) LMG. | 06.3.95. | SH/I-D at HRLF colony-LMG. | 06.3.95 to 05.7.95. - |
| 3. | Smt. Anjali Rani Paul, W/O Late Parash Ch. Paul. | Ex. S.P.SWM. | 09.4.95. | E/75-A type-I(Elec) Relief yard c | 09-4-95 to 08-4-96. |
| 4. | Smt. Dipe Dey, W/O Sri Shyamal Kr. Dey. | Ex. Hd. Cler/E. under DRM(P)/LMG. | 05.6.95. | 746/E at S. Hill colony/LMG. | 05.6.95 to 04.6.96. |
| 5. | Smt. Kalpana Biswas, W/O Late Haradhan Biswas. | Ex. Painter- under IOW/L/LMG. | 28.4.95. | 652(A) type-II Elec. at LMG. | 28.4.95 to 27.4.96. |
| 6. | Smt. Padmini Sarma, W/O Late Ajoy Krishna Sarma. | Ex. Astt. pro- gramer/Comu Centre/LMG. | 27.4.95. | B-40B, New colony/LMG. | 27.4.95 to 26.4.96. |
| 7. | Smt. Menaka Das, W/O L. Birendra Ch. Das. | Ex. Peon/DAO/LMG. | 03.5.95. | H.I.P at HRLF colony/LMG. | 03.5.95 to 02.5.96. - |

[Signature]
for D.R.M.(P)/LMG. 2/8

N.E/221/2/LM(Qrs)Pt.XIII, Dtd, Lumding 02-8-95. ✓

Copy forwarded for information and necessary action to: - 1. Sr. DME/LMG, Sr. DEE/LMG, DEN/I, II, III, DAO/LMG, DSE/LMG, Sr. DEE/LMG, Sr. DOM/LMG, Sr. DCM/LMG, Sr. CMS/LMG, DCM/GHY, 2. WS/LMG, LF/LMG, NGC, BPB, IOW/BPB, JID, DTC, DMR, DMV, Ys/NGC, CRS/GHY, H & MI/LMG, CS/LMG, IOW/L/LMG, DRM(W)/LMG, CPWI/BXP, Chief Controller/LMG, PWI/DMR, CPWI/H/LMG, OS(P)/LMG, Computer Centre/LMG. 3. MU & EU/LMG, BPB. 4. Secy. Pension Association/LMG & BPB 5. Incharge of BE Bill, OS/EO/Bill, OS/S&T, OS/Pass, in duplicate, OS/FS with 32 copies.

[Signature]
for D.R.M.(P)/LMG. 3/8
Completed

[Signature]
02-8-95.

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Government of India/Bharat Sarkar
Ministry of Railways/Rail Mantralaya
(Railway Board)

10 -
Annexure - R-1217

Annexure - S.
426

R.B.E.No. 8/90.

New Delhi, dated : 15.1.1990

No. E(G)85 QR 1/9.

- The General Managers/FA & CAOs, All Indian Railways, CLW, DLW, ICF, Metro Railway, Calcutta and Wheel & Axle Plant, Bangalore.
- The General Managers (Construction)/FA & CAOs (Construction), Northeast Frontier Railway, Maligaon & Southern Railway, Bangalore.
- The Chief Administrative Officer (Construction), Central Railway, Bombay.
- The Director General/JDF, RDSO, Lucknow.
- The officer on Special Duty, Rail Coach Factory (Kapurthala), BMC Chowk, Mahay Market, Jalandhar City (Punjab).
- The Chief Administrative Officer, MTP (Railways), Delhi, Bombay and Madras.
- The Principal, Railway Staff College, Vadodara.
- The Principal, I.R.I.S.E. & T., Secunderabad.
- The Principal, I.R.I.A.T.T., Pune.
- The Principal, I.R.I.M. & E.E., Jamalpur.
- The Secretary, Railway Rates Tribunal, Madras - 28.
- The Chief Administrative Officer (R), D.C.W., Patiala.

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13 JAN 1990
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CPD
29/11
This may be sent to CPD, retaining copy in Housing section.

Sub: Retention of Railway accommodation by Railway employees.

..*.*.*

The Ministry of Railways have issued instructions from time to time regarding retention of railway quarters by the railway officers and staff on occurrence of various events, such as transfer, deputation, retirement, etc. They have now decided to issue consolidated and comprehensive instructions on the subject as in the 'Annexure' in supersession of all previous instructions. Requests from the railway officers and staff for retention of the railway quarters on occurrence of various events such as transfer, retirement, etc. should be regulated in terms of the instructions contained in the Annexure.

Circular
1/90
8/2/90
31

A/T vide - 2192/-

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2. The Ministry of Railways would also like to emphasise that benefit of retention of railway accommodation by employees on occurrence of various events should be allowed only to the extent permissible under the rules/extant instructions and that no special cases should be made out for any relaxation.

3. The Ministry of Railways have also decided that special orders already issued by them in individual cases or in respect of certain specified employees to meet requirements of the Administration, in relaxation of the existing instructions, will continue to subsist till the currency of the special sanction.

4. This issues with the concurrence of the Finance Directorate in the Ministry of Railways.

(A.L. DHINGRA)
DESK OFFICER ESTABLISHMENT
RAILWAY BOARD.

No.E(G)85QR1-9

New Delhi, dated: 15.01.1990.

Copy to A.D.A.I.(Railways)(with 46 spares).

No.E(G)85QR1-9

for Financial Commissioner, Railways.
New Delhi, dated: 15.01.1990

Copy (with 35 spares) to General Secretary, NFIR,
3 Chelmsford Road, New Delhi.

Copy (with 35 spares) to General Secretary, AIRF,
4 State Entry Road, New Delhi.

Copy to all Members of the National Council/Departmental
Council and Secretary, Staff Side, 13-C Feroze Shah Road, New Delhi.

Copy to FROA, Fed.of Class-II Officers' Association.

K. Subramanian
for Secretary, Railway Board.

Copy to PSs to:- CRB, FC, MS, ME, Adviser Staff, EDE, EDLM,
JDF(X)II;

F(X)I(with 10 spares), G(Acc.), LM(B), Sec(E), E(NG)I, E(NG)II
Branches, Railway Board.

.....

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20/1/90
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661-24-5-30

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Sub: Retention of Railway quarters by railway employees on occurrence of various events such as transfer, retirement, etc. - Consolidated instructions.

Permanent Transfer:

(i) A railway employee on transfer from one station to another which necessitates change of residence, may be permitted to retain the railway accommodation at the former station of posting for a period of 2 months on payment of normal rent or single flat rate of licence fee/rent. On request by the employees, on educational or sickness account, the period of retention of railway accommodation may be extended for a further period of 6 months on payment of special licence fee, i.e. double the flat rate of licence fee/rent. Further extension beyond the aforesaid period may be granted on educational ground only to cover the current academic session on payment of special licence fee.

(ii) Where the request made for retention of railway quarter is on grounds of sickness of self or a dependent member of the family of the railway employee, he will be required to produce the requisite Medical Certificate from the authorised Railway Medical Officer for the purpose.

(iii) In the event of transfer during the mid-school/college academic session, the permission to be granted by the competent authority for retention of railway accommodation in terms of Item (i) above will be subject to his production of the necessary Certificates from the concerned school/college authority.

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Special Provision in respect of employees transferred to N.F. Railway:

(i) A railway employee who has all India transfer liability or, in the exigencies of public service, is posted on transfer to the N.F. Railway, excluding Katihar Division, will be permitted to retain railway accommodation allotted to him/her at the last station of his/her posting, on payment of normal rent/single flat rate of licence fee/rent for the first two months and thereafter at 1 1/2 times the normal rent/flat rate of licence fee/rent. However, officers posted subsequently to Katihar Division will continue to get this benefit on personal basis.

(ii) Staff posted to the Katihar Division of N.F. Railway will be governed by the rules and orders, as applicable to the generality of railway employees in regard to retention of quarters and payment of licence fee/rent therefor. The eligibility to these concessions of staff initially posted on transfer to N.F. Railway Divisions, other than Katihar, will cease if and when they are posted to any station in Katihar Division.

.....2/-

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1.3. Special provision in respect of Northern Railway employees posted in New Delhi/Delhi area on transfer to the Railway Board's Office.

SB
An employee of the Northern Railway posted to Ministry of Railways (Railway Board) at New Delhi/Delhi area may be permitted to retain the Northern Railway quarter at New Delhi/Delhi area for a period of 4 months on payment of normal rent/flat rate of licence fee/rent. Further retention for another two months on the grounds of sickness or for 4 months on the grounds of education of children may be allowed subject to conditions set forth in para 1.1 above. This will be subject to :-

- (i) that the employee on transfer to Board's office immediately applies for allotment of General Pool accommodation; and
- (ii) that when an allotment is made by the Directorate of Estates the employee accepts the allotment and moves to the accommodation within the permissible period.

1.4. An employee posted at a station in the electrified suburban area of a Railway may on transfer to another station in the same electrified suburban area, may be permitted to retain the railway quarters at the former station on payment of normal rent/flat rate of licence fee/rent provided :-

- (i) the Railway Administration is satisfied and certifies that the concerned employee can conveniently commute from the former station to the new station for performance of duty without loss of efficiency; and
- (ii) the employee is not required to reside in an earmarked Railway quarter.

1.5. Retention of Railway accommodation by the Railway Audit Staff.

The Railway Audit Staff on transfer away from the railway concerned, may be permitted to retain the railway quarter for a period of two months on payment of normal rent/flat rate of licence fee. In the event of retirement and death, the eligibility for retention of railway accommodation by retired Railway Audit Staff/ will be as under :-

/and families of
the deceased Rail
way Audit Staff

- (i) Retirement : For a period of four months from the date of retirement on payment of normal

.....3/-

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TAN

rent/flat rate of licence fee/rent and the next four months on educational or sickness account on payment of special licence fee, i.e., double the normal rent or double the flat rate of licence fee/rent.

- (ii) Death: The family of a railway audit staff who dies while in service may be permitted to retain the railway quarter for a period of six months on payment of normal rent/flat rate of licence fee/rent from the date immediately after the date of death of an employee.

1.6. Retention of railway quarters by apprentices.

A serving employee who is selected as an apprentice either departmentally or through the R.B. may be allowed to retain the Railway quarters at the station from where he/she proceeds on training, during the period of his/her apprenticeship.

Note : a) All transfers should be treated as permanent transfers unless the orders of transfer themselves specifically indicate that the transfers are "temporary."

b) In the case of house owning employees the normal rent means the rent required to be paid by the house owning employees in terms of the Ministry of Railway's letter No. E(G)77 QR 1-53 dated 11.7.1984 and E(G)87 QR 1-21 dated 18.3.1988.

c) A member of family means husband or wife, as the case may be, and child/children only. Dependant relatives such as widow mother, dependant brother or sister are not to be included for the purpose of these concessions.

d) The current academic session refers to annual academic course ending with annual examination and not till the results thereof are announced. It does not also mean the total duration of any course of study; for example, in respect of 3 years degree course, the current academic session means first or second or third year of the course, as the case may be, and not the total 3 years.

An employee will have to furnish proper certificates from the recognised institution. Certificates for attending any part time course or any course not recognised by the Education Department of the State is not acceptable for the purpose of retention of railway quarter on educational ground.

e) In case an employee requests for retention of quarter on the ground of sickness of self or a family member and also on account of education of a child/children, the permissible periods for retention

.....4/-

[Handwritten signatures and initials]

of quarter on the ground of sickness and/or education will run concurrently, and not in separate spells.

2. Temporary Transfer :

- (i) During the entire period of "temporary" transfer an employee may be permitted to retain the quarters at former place of posting on payment of normal rent/licence fee/ flat rate of rent. Temporary transfer should not, however, be ordered for a period of more than 4 months unless there are pressing circumstances.
- (ii) Temporary transfers of non-gazetted employees initially for a period in excess of 4 months or by extension of the temporary transfer for periods aggregating more than 4 months should be ordered personally by an authority not lower than the Divisional Railway Manager. In respect of Gazetted employees, such temporary transfers should be ordered with the approval of the General Manager.
- (iii) In cases where temporary transfer is converted into permanent one, the railway employee may be allowed to retain the railway accommodation at the old duty station for further period as admissible on permanent transfer on payment of rent as prescribed therefor, from the date on which the employee is informed of the permanent transfer. This period will be over and above the period already allowed to the employee on temporary transfer.
- (iv) The Railway Administrations should review all cases of temporary transfer well before expiry of the period of 4 months of temporary transfer and decide whether the temporary transfer already ordered should continue to be temporary or be converted into a permanent one, to ensure that in the cases where temporary transfers are converted into permanent ones, the total period of retention of railway quarters on payment of normal rent flat rate of licence fee/rent is normally restricted to a period of 6 months.

Note: If an employee already on temporary transfer to a station is again transferred to yet another station either on temporary or on permanent basis, the permissible period of retention of Railway quarters as applicable in the case of temporary or permanent transfer will count from the date of transfer of the employee from the station concerned, for the purpose of retention of quarter at the original station. In the case of permanent transfer of an employee to another station from the station where she/he was on temporary transfer, the limit of six months as in para 2(iv)

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above, for retention of quarters at the original station on normal rent flat rate of licence fee/rent will not apply.

3. Deputation and Secondment in India :

In cases of deputation and secondments in India including deputation to other Ministries/Departments of the Central or State Governments and public sector Undertakings including R.I.T.E.S., IRCON, COFOIS, CRIS, Container Corporation, Indian Railway Finance Corporation and similar other deputation, the railway employees will be required to vacate the railway accommodation before their release by the Railway Administration to proceed on deputation. They will be required to produce documentary proof about vacation of the Railway accommodation before their actual release from the Railway post.

Note 1 : Railway employees assigned to R.C.F. are excluded from the purview of the above instructions.

Note 2 : Officers and staff proceeding abroad through RITES, IRCON may be permitted to retain the Railway quarters in their occupation from the date of their release upto the date of their departure abroad subject to a maximum period of 2 months only on recovery of rent at damages rate. The recovery of damages rate as well as relevant telephone, water, electricity and other similar charges would be the responsibility of RITES/IRCON and recoveries effected by them on that account should be credited to the Railway Administration concerned. The Managing Directors of RITES, IRCON will be personally accountable and responsible for ensuring that the officers and staff are not permitted to leave the country unless they produce documentary evidence to show that the Rly. accommodation has been vacated by them. It may also be ensured that in no case any exception is made under any circumstances and all such cases are strictly dealt with in the light of the aforementioned provision.

4. Deputation abroad :

An employee on deputation abroad may be permitted to retain the railway quarters as follows:

- a) for the entire period of his deputation abroad provided family passage facility is not availed of;

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- b) in case an employee avails of the family passage concession he/she may be permitted to retain the quarters for a period of 2 months or upto the date of departure of family in India, whichever is earlier.

Note: i) "Deputation abroad" means transfer of an employee for service abroad, during which period 'pay and allowances' of the employee is charged to Government of India revenues.

- ii) Railway employees posted abroad in the Indian Missions against posts pay and allowances of which are borne by the Ministry of Railways will be treated as on permanent transfer for the purpose of retention of quarter in India.

5. Training :

- i) An employee deputed for training in any railway or non-railway training institute/place or to attend seminar, conference, etc., may be permitted to retain the railway quarters for the period of training, seminar, etc. on payment of normal rent/flat rate of licence fee/rent.
- ii) An employee deputed for training abroad under any aided scheme such as Colombo Plan, etc. or at Government expenses may be permitted to retain the railway quarters for the entire period of deputation for training abroad.
- iii) When an employee already transferred from a station is deputed for training in India or abroad during the permissible period for retention of Railway quarters at the old station, the period of retention of quarters as admissible on transfer will be automatically got extended by the period of deputation for training. The rent to be charged for the period of deputation for training will be normal rent/flat rate of licence fee/rent, if the training commences from a date within the first two months of transfer and special licence fee if it commences after the first two months.

6. Leave including Extraordinary Leave :

- i) A Railway employee in occupation of railway quarter may be permitted, while on leave for a period not exceeding 120 days, to retain the quarter for the period of leave on payment of normal rent/flat rate of licence fee/rent provided

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the authority sanctioning the leave certifies that the employee concerned is likely to be posted back to old station on expiry of his leave.

ii) When an employee takes leave (LAP) before he/she is ordered to be transferred, he/she may be permitted to retain the quarter for the period of leave upto the date of transfer/relief on payment of normal rent/flat rate of licence fee/rent and thereafter he/she may be allowed retention of the quarter as applicable in case of transfer on payment of rent, as specified therefor.

iii) When an employee takes leave after he/she is transferred/relieved he/she may be permitted to retain the railway quarters at the old station for the period permissible in case of transfer counted from the date of relief on payment of rent, as specified therefor. The period of retention of quarter permissible in case of leave will not be allowed in addition.

7. Leave on Medical Ground :

i) An employee on medical leave may be permitted to retain the quarter for the full period of leave on payment of normal rent/flat rate of licence fee/rent.

ii) When an employee already on medical leave is ordered to be transferred to another station, retention of Railway quarter will be permitted for the period of medical leave on normal rent/flat rate of licence fee/rent and thereafter for periods as admissible on transfer on payment of rent as specified in case of transfer.

iii) When an employee already relieved on transfer to another station takes leave on medical ground, the period for retention of Railway quarter on transfer will automatically get extended by the period of sanctioned medical leave. During the period of medical leave normal rent/flat rate of licence fee/rent should be charged if the medical leave is taken from a date within the first two months of transfer and double the flat rate of licence fee etc. if it is taken after the first two months.

8. Maternity Leave :

An employee granted maternity leave may be permitted to retain the railway quarter for the period of maternity leave plus any leave granted

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9. Leave Preparatory to Retirement :

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An employee granted leave preparatory to retirement may be permitted to retain the railway quarter for the full period of leave on average pay subject to a maximum of 180 days.

10. Leave granted to employees who retire under the provision of FR 56(i) :

An employee who retires from service under the provision of FR 56(i) may be permitted to retain the railway quarter during the period of earned leave, not exceeding 4 months sanctioned preparatory to retirement, on payment of normal rent. The concession regarding retention of railway quarter after retirement will not be available to such a retired employee, in addition.

11. Retention by State Government/Union Territories employees on repatriation.:

An employee of the State Government/Union Territory on deputation with the Indian Railways may, on repatriation to the parent Government/Department be permitted to retain the railway quarter for a period of 2 months from the date of relief on payment of normal rent.

12. Leave ex.India :

An employee on leave ex.India not exceeding 180 days may be permitted to retain the quarter on payment of normal rent/flat rate of licence fee/rent for the entire period, provided the entire period of leave or any portion thereof is spent outside India and the competent authority certifies that the employee will be reposted to place of posting on expiry of the leave period.

13. Study Leave :

i) If the study leave is upto 6 months :

The Railway employee may be permitted to retain the railway accommodation for the full period of study leave on payment of normal rent.

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ii) In case study leave extends beyond 6 months :

The railway employee may be permitted to retain the railway quarter for the first six months on payment of normal rent/flat rate of licence fee/rent thereafter retention of the railway quarter can be permitted to a further period of six months or till the period of study leave, whichever is less, on payment of special licence fee or double the flat rate of licence fee/rent.

14. Retirement :

A railway employee on retirement including voluntary retirees may be permitted to retain the railway accommodation for a period of 4 months on payment of normal rent/flat rate of licence fee/rent and the next 4 months on educational or sickness account on payment of special licence fee, i.e., double the normal rent or double the flat rate of licence fee/rent. This is also applicable to audit staff doing railway audit work.

15. Resignation/dismissal/removal :

An employee who resigns from service or is dismissed or removed from service may be permitted to retain the railway quarter for a period of one month only on payment of normal rent/flat rate of licence fee.

16. Death :

The family of a railway employee who dies while in service may be permitted to retain the railway quarter for a period of 6 months on payment of normal rent/flat rate of licence fee/rent from the date immediately after the date of death of an employee. This also applies to audit staff doing railway audit work.

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On expiry of the permissible/permitted period indicated in all the above cases, the allotment of quarter in the name of the employee at the old station will be deemed to have been terminated automatically. Retention of quarter by the employee after expiry of the permissible period will be treated as unauthorised. During the period of unauthorised occupation the employee should be required to pay charges rate of rent in respect of the railway quarter.

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of damages rate of rent should not be pended on the ground that the employee has appealed or the case of the employee has been referred to the Ministry of Railways for regularisation of the excess period of retention. If the appeal of the employee succeeds he will be allowed refund as due.

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The General Managers of Railway Administration and the Chief Administrative Officers of Projects/Organisation etc., may assign the work relating to granting of permission for retention of quarters to one or more officers in the Headquarters/Divisions as considered necessary. These officers will be responsible for implementing the orders regarding retention of quarters issued from time to time within the parameters laid down by this Ministry. If several officers are assigned this work in Headquarters/Divisions, an officer of appropriate level should be entrusted with the work of periodically overseeing and co-ordinating the work done by lower authority/authorities.

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