

ORAL

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD**

(This the 17th Day of April, 2018)

Hon'ble Dr. Murtaza Ali, Member (Judicial)

**Original Application No.330/391/2018
(U/S 19, Administrative Tribunal Act, 1985)**

Raja Ram Prasad aged about 63 years s/o Chedi Prasad, Ex-Senior Clerk Diesel Shed, East Central Railway Mughalsarai. Resident of Mohalla-Kharkhura Bairagi, Police Station - Delha, District Gaya (Bihar).

..... **Applicant**

By Advocate: Shri Vinod Kumar

Versus

1. Union of India through its General, Manager, East Central Railway, Hazipur, Bihar.
2. Divisional Railway Manager (P), East Central Railway, Mughalsarai Division, Mughalsarai.

..... **Respondents**

By Advocate: Shri S.K. Ray

O R D E R

Heard Shri Vinod Kumar, counsel for applicant and Shri S.K. Ray, counsel for respondents.

2. Learned counsel for the applicant stated that the applicant was charge sheeted on 15.09.2009 and after conclusion of the departmental enquiry, he was compulsory retired as a measure of punishment passed by Disciplinary Authority vide order dated 18.02.2011. Against the said punishment order, the applicant did

not file any appeal, however, the Revisional Authority vide order dated 09.07.2011 upheld the order of the Disciplinary Authority.

3. Learned counsel for the applicant, further, submitted that after passing of the aforesaid punishment and revisional orders, the applicant approached the respondent authorities requesting them to release the entire settlement dues in his favour and in view of the request made by the applicant, the respondent department issued an order dated 26.05.2015 and released only 2/3 settlement dues in favour of the applicant along with pension.

4. Being aggrieved, the applicant moved a detailed representation on 31.05.2016 (Annexure A-8) to the respondent No.2 requesting therein to release the entire settlement dues as well as pension in his favour as per settled provision of law/rules provided in the Railway Servant Disciplinary and Appeal Rules.

5. Learned counsel for the applicant submitted that the grievance of applicant will be redressed in case a direction is given to the respondent No.2/Competent Authority to decide the representation of the applicant dated 31.05.2016 (Annexure A-8) which is still pending with the respondent by reasoned and speaking order within a stipulated period of time.

6. Counsel for the respondents stated that in case the representation of the applicant is pending with the respondents, he has no objection to decide the same.

7. In view of the prayer made by counsel for the applicant, the Court is of the view that no useful purpose will be served to keep this OA pending, and the matter can be resolved by taking the decision on the representation of the applicant regarding settlement of entire dues as well as pension. Hence, without commenting anything on the merits of the case, the O.A. is disposed of with the direction to the respondent No.2/Competent Authority to decide the representation of the applicant dated 31.05.2016 (Annexure A-8 of the O.A.) regarding settlement of entire dues as well as pension in accordance with law by reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order and communicate the decision to the applicant in writing. The applicant is also directed to send a copy of representation along with certified copy of this order to the competent authority within two weeks. No costs.

[Dr. Murtaza Ali]
Member-J

Sushil