

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A.No.3482/2016

Wednesday, this the 29<sup>th</sup> day of November 2017

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Gopi Chand age about 60+ years  
s/o late Shri R P Singh  
retired Chief Commercial Inspector  
North Eastern Railway, DRM Office  
Hazratganj, Ashok Marg, Lucknow, UP  
Presently r/o H.No.A-8/712, East Gokulpur  
(Near Old Masjid), Loni Road, Delhi – 110 94

..Applicant

(Mr. Gaya Prasad, Advocate)

Versus

1. Union of India through Secretary, Railway Board  
Rail Bhawan, New Delhi
2. General Manager  
North Eastern Railway  
Head Quarter Office, Gorakhpur, UP
3. Divisional Railway Manager  
Northern Eastern Railway  
Divisional Office, Hazratganj, Ashok Marg  
Lucknow, UP

..Respondents

(Mr. A K Srivastava, Advocate)

## **O R D E R (ORAL)**

The applicant joined under North Eastern Railway (NER) on 05.11.1982 on the post of Goods Clerk. After having worked at various places in the offices of NER and in the Railway Board, he superannuated from service on 31.01.2016 from the post of Chief Commercial Clerk (CCI). His parent Railway is NER. The grievance of the applicant is that several of his dues have not been paid by the respondents despite his representations. One comprehensive representation of the applicant is at p.52 of the paper book, in which the following unpaid claims have been listed:

“1. Salary of May, 2007 had not paid whereas applicant remained in Railway Board upto 18.05.2007, 19 and 20 Saturday & Sunday and remained waiting for duty at Gorakhpur from 21.0.2007 to 31.05.2007.

2. Regarding unpaid Bill of June and July, 2007:-

A. AB No.5470383 dated 26.06.2007 Bill Unit No.574.

B. AB No.5470547 dated 28.07.2007 Bill Unit No.574.

PMR No.123 dated 31.07.2007 Rs.11,220

3. Fixation of Pay under VI Central Pay Commission and payment of difference of arrears of pay for the period from 01.01.2006 to 31.08.2007 except June and July, 2007 because Last Pay Certificate was issued by the Railway Board.

4. Payment of transfer allowance. L. No.E/2006/RPI/12/RBI-2 New Delhi dated 10.05.2007, L.No.P/2010/35/VIII/Part-II Gorakhpur dated 01.06.2007.

5. Regarding non-payment of Bonus (1) for the month of September & October, 1996 of 1996-1997 years, (2) April & May, 2004 of 2004-2005 years, (3) full Bonus for the year 2006-2007 years and (4) April & May, 2007 of year 2007-2008 years.

6. Regarding add transfer leaves into earn leave, after transfer. (1) L.No.E/254/CI/11 dated 01.08.1989 transfer from Izzatnagar to Lucknow, (2) L.No.E/11/254/15/CI/CNL/95 loose dated 12.05.2004 transfer from Lucknow to New Delhi and (3) L.No./2006/RP-1/12/RB-2 dated 10.05.2007 transfer from New Delhi to Gorakhpur (L.No.E/11/282/CI/03 transfer from Lucknow to Gonda)."

2. Learned counsel for applicant drew my attention to Annexure A-8 letter of respondent No.3 dated 01.12.2015 through which the applicant has been informed that his claim in regard to item Nos. 1, 2, 3, 4 & 5 pertained to the period when he worked at Gonda and for settlement of such claims, Assistant Personnel Officer (APO), Gonda, NER has been approached.

3. As regards item No.6, it is stated that the matter has been put up to the competent authority. These items are referring to the items mentioned in the representation of the applicant dated 31.01.2016 (pp.52 & 53).

4. From Annexure A-8 letter of the respondents dated 01.12.2015, it is quite clear that the respondents have not yet settled the pending claims of the applicant and that they are still in the process of to settle the claims.

5. Mr. A K Srivastava, learned counsel for respondents fairly submits that no final decision has been taken by the respondents in regard to settlement of pending claims of the applicant.

6. In this view of the matter, I dispose of this O.A. with the following directions to respondent Nos. 2 & 3:

a) The claims of the applicant, as mentioned in his representation dated 31.01.2016, shall be processed and settled within a period of three months from the date of receipt of a copy of this order, by way of passing a reasoned and speaking order.

b) While processing the pending claims of the applicant, the said respondents shall keep in mind that the recommendations of 7<sup>th</sup> Central Pay Commission (CPC) have been implemented by the Central Government w.e.f. 01.01.2016, and these claims should be settled keeping in view the recommendations of 7<sup>th</sup> CPC.

c) The retiral dues of the applicant should also be settled by the respondents in accordance with the recommendations of 7<sup>th</sup> CPC.

No order as to costs.

**( K.N. Shrivastava )**  
**Member (A)**

**November 29, 2017**  
/sunil/