

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.3759/2017

New Delhi this the 30th day of October, 2017

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**

Manoranjan Kabasi
S/o Late Nimai Charan Kabasi,
Retired SSE (P-Way)/DTC/DNR,
R/o H.No.27, 1st Floor, Near Fancy Silk Mill,
Khyber Paas, Civil Lines,
Delhi-54. Applicant

(By Advocate: Ms. Sanjucta Kabasi)

Versus

Union of India Through:

1. The General Manager,
Eastern Central Railway,
Hazipur, Bihar.
2. The Divisional Railway Manager,
Eastern Central Railway,
Danapur, Bihar.
3. The Sr. Divisional Engineer 2,
Eastern Central Railway, Danapur.
4. Sr. Divisional Personnel Officer,
ECR/Danapur. Respondents

(By Advocate: Sh. Satyendra Kumar)

ORDER (ORAL)**Hon'ble Mr. Justice Permod Kohli, Chairman**

The applicant has retired as a Senior Section Engineer from the office of Divisional Railway Manager, Eastern Central Railway, Danapur, Bihar. While the applicant was in service, disciplinary proceedings were initiated against him. Since the disciplinary proceedings were not finally decided, the applicant approached this Tribunal in OA No. 842/2016 seeking retiral dues etc. The said OA was disposed of vide order dated 25.04.2016 with the following directions:

“3. In view of the limited prayer made by the applicant, this OA is disposed of with a direction to the respondents to take final decision in the disciplinary proceedings pending against the applicant within three months from the date of receipt of a certified copy of this order and release his retiral dues within one month thereafter. No costs”.

2. Consequent upon the aforesaid directions, the competent disciplinary authority passed an order exonerating the applicant from all charges against him, as is evident from the speaking order dated 26.09.2016 communicated to the applicant vide letter of even date (AnnexureA/5). It is stated that some of the retiral benefits were paid to the applicant. However the applicant was not given benefit of MACP, promotional dues and full pensionary benefits. The applicant made a representation claiming all such dues to the respondents. It appears that the matter was initiated by the Sr. Divisional Engineer, Eastern Central Railway, Danapur, vide communication dated 19.01.2017 addressed to

Senior Divisional Personnel Officer, Eastern Central Railway, Danapur for action on the pay fixation and clearance of dues etc. This was followed by another communication dated 31.01.2017. Despite aforesaid communications, the respondents have not taken any action for grant of admissible retiral and other benefits to the applicant. This application has been accordingly filed seeking the following reliefs:

"(i) To pass a direction to the respondents to fixation and revision of payment of monthly pension according to latest 7th Pay Commission, to clear MACP payment and promotion dues and other retiral dues since the date of retirement on 28.02.2013.

(ii) To pass a direction to the respondents to release the pending retiral dues since the date of retirement on 28.02.2013 along with interests.

Any other order as the Hon'ble Court may deem fit and proper in the interest of justice, equity and good conscience".

3. Keeping in view the prayer made, this application is disposed of at the admission stage itself with the following directions:

1) The applicant is permitted to make a fresh representation detailing therein all the claims, within a period of two weeks. The competent authority shall take decision on the representation of the applicant within a period of two months thereafter.

2) On such examination, the competent authority would determine the claims made by the applicant and all admissible claims shall be paid to the applicant within a period of two months thereafter.

However, in the event any claim is found not admissible/payable,

the competent authority will pass a reasoned and speaking order to that effect within the aforesaid period.

(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE PERMOD KOHLI)
CHAIRMAN

/ns/