

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA. 350/00650/2016

Date of Order: 09.11.2016

Present

Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SURESH CHANDRA DEBNATH
Vs.
UNION OF INDIA & OTHERS

For the Applicant Mr. P.C.Das, Counsel
For the Respondents Mr. M.K.Bandyopadhyay, Counsel

ORDER

JUSTICE VISHNU CHANDRA GUPTA, JM:

This matter was in Court No.II and the Court No.II sought the original records to be produced by the Respondents for the perusal of the Court before proceeding further in the matter. As the Court No. II ceased to function, on being mentioned and with the consent of the parties, this matter has been recalled from Court No. II to Court No.I for hearing which is listed today for hearing.

2. The Learned Counsel for the Respondents produced the original records called for by Court No.II. Having heard the learned counsel for both sides, perused the pleadings and the original records brought on by the learned counsel for the Respondents.



3. The relief sought by the applicant in this OA is as under:

"(a) To pass an appropriate order directing upon the respondent authority to disburse the computation value of pension, retirement gratuity and full pension in favour of the applicant on the basis of the office order dated 28.08.2014 issued by the Chief Personnel Officer, Chittaranjan Locomotive Works being Annexure A-5 of this original application along with penal interest for not payment of the same till the date of actual payment in favour of the applicant;

(b) To pass an appropriate order directing upon the respondent authority to disburse the computation value of pension, retirement gratuity and full pension in favour of the applicant along with penal interest in terms of the office order dated 28.08.2014 issued by the Chief Personnel Officer, Chittaranjan Locomotive Works being Annexure A-5 of this original application;

(c) Costs;

(d) Any other appropriate relief or reliefs as Your Lordship may deem fit and proper."

4. In gist, this is a case wherein the applicant, who by now retired from service, has been deprived of the retirement benefits which ought to have been paid to him after his retirement. It is not in dispute that the applicant was working as Technician I in Chittaranjan Locomotive and on attaining the age of superannuation, he retired from service on 30.09.2014. Before his retirement, he was involved in a Criminal case. Consequently, on 28th August, 2014 i.e. two days before his retirement, an order was passed, the operative portion of which is extracted herein below:

"CLW/Chittaranjan

No. GM/Wel/237 Pt XVII

dated 28.8.2014

ALL CONCERNED

Sub: Expeditious payment of settlement dues to those staff retiring on Superannuation/Voluntarily on 30.09.2014.

In terms of Joint Procedure Order as modified under this office letter of even number dated 17.01.1985 and decision taken from time to time the following settlement dues will be paid to the employees on 30.09.2014 at 15:00 Hrs at Administrative Office, Canteen, GM's Office as per list attached. The settlement salary will be paid at 15:00 hrs on 13.10.2014 from Cash Office Counter.

1. Own Contribution of PF;
2. Encashment of Leave salary;
3. Commutation of Pension;
4. Group Insurance/Railway Insurance as the case may be;
5. Retirement Gratuity as per extant rules;
6. Pension Pay Order.

The Establishment Officers concerned are requested to please ensure that the F.S. Memo, Bills, Pay Orders, Insurance Papers etc for all the above items concerning those staff are sent to the Accounts Office well in advance in terms of Joint Procedure Order for arranging payment on the target date. It is also requested to send Pensioners Identity Card and RELHS Identity Card to the Welfare Section of CPO's Office at least one day ahead of the programme.

Staff concerned may please be informed to present themselves at 14.30 Hrs on 30.09.2014 at the Administrative Office Canteen, GM's office so that signing/witnessing of bills are completed before 15:00 Hrs. Departmental Officers are requested to please nominate one witnessing official so as to enable payment in time.

Sr. AFA (PF), Sr.AFA (W), Sr. AFA (X), Sr. AFA (PN), Sr.AFA (E), Sr. AFA (B&B), Sr. Asst. Chief Cashier are requested to please get bills, PPO etc ready by 15:00 Hrs on 30.09.2014 positively in all respect for handing over to the retiring staff as per list attached. The bills and Cheque are in respect of CMM/CLW/KOL and SMM/CLW/HWH staff for payment in Kolkata office would be sent to the Sr.



Cashier/CMM/CLW/Kol office through Sr ACC/CLW/CRJ well in advance i.e. 25.09.2014 in terms of the above mentioned J.P.O. dated 27.12.1989.

S&W Inspectors under the control of Dy. CPO (W), SPO (PC), AWO, APO(SF) should be advised to contact all the retiring staff of their respective jurisdiction and intimate to present themselves by 14:30 Hrs on 30.09.2014 at the place stated above and 13.10.2014 for witnessing the settlement bill at Cash Office for receiving payment by staff S&WIs of the respective jurisdiction should invariably assist the retiring in getting the bill signed by the officers of PO's Office for payment of settlement bills.

Sd/- for Chief Personnel Officer
28.8.2014

Xxxxxx

xxxxx

xxxxx

List of persons retiring on 30.09.2014

Xxxxxx

xxxxx

xxxxxx

Sl.	Control No.	Name (S/Shri)	Designation	T/No.	Working place	Date of Birth	BU No.
31	324232	Suresh Chandra Debnath	Tech.I	57/106	Dy.CPO(W)	04.09.1954	572

On perusal of record, it reveals that order was passed to make the payment of certain dues as mentioned in this letter, quoted above. But the grievance of the applicant is that the order has not been complied with.

5. A reply has been filed by the Respondents.


6. No departmental proceedings have been initiated on basis of the Criminal case and the applicant was allowed to retire on attaining the age of superannuation. It is not the case of the Respondents that the order quoted above has been withdrawn. Moreover, the original record reveals that the applicant has been convicted in the criminal case instituted against him by



the lower court and the same has been affirmed by the Revisional Court. The Applicant has not been punished in any departmental proceedings nor any departmental proceedings are pending against him. In view of the above and after considering the submissions of the learned counsel for both sides and upon perusal of the original records produced by the Respondents, we are of the view that order dated 28.8.2014 passed by the Respondents should be given effect. Accordingly, we direct the Respondents to pay all the retiral dues of the applicant as contained in the letter dated 28.8.2014, as per Rules, within a period of three months from the date of receipt of certified copy of this order.

7. This Original Application is accordingly disposed of. No costs.

8. The original records is returned to the learned counsel appearing for the Respondents, in court today.


(Jaya Das Gupta)
Member (A)


(Vishnu Chandra Gupta)
Member (J)