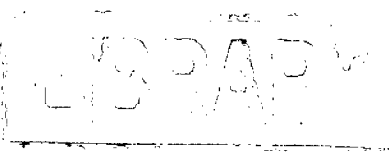


OA/350/ 00717/2018

AN APPLICATION :

Under Section 19 of the Administrative Tribunals Act, 1985

BETWEEN

SRI RIPAN KUMAR NANDY

Son of Late Rashik Gopal Nandy

Was working as Porter in Group 'D' post
(voluntarily retired on 06.04.2011)

Presently residing at C/o Badal Urao,

Village: Sebdulla Jote, P.O. Hatighisa,

P.S. Naksalbari,

PIN: 734429

.....Petitioner / Applicant

AND

1. Union of India, through
the General Manager,
North Frontier Railway,
Maligaon, Guwahati.
PIN: 781012
2. Divisional Railway Manager,
Katihar Division,
N.F. Railway, Katihar.
PIN: 854105
3. Divisional Railway Manager (P),
N.F. Railway, Katihar
PIN: 854105
4. Chief Medical Director,
Central Hospital, N.F. Railway,
Maligaon, Guwahati
PIN: 781011
5. Chief Medical Superintendant
N.F. Railway, New Jalpaiguri
PIN: 734004
6. Sr. Divisional Operations Manager (PL)/
Divisional Operations Manager

N.F. Railway, Katihar
PIN: 854105

7. Chief Yard Master (Yard),
N.F. Railway, Siliguri,
District: Darjeeling
PIN: 734223
8. Station Manager, N.F. Railway
Siliguri Junction, District: Siliguri
PIN: 734001
9. Financial Advisor & Chief Accounts Officer
N.F. Railway, Maligaon, Guwahati.
PIN: 781012

..... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/717/2018

Date of Order: 04.06.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. B.R Das, Counsel
: Ms. S. Dutta, Counsel
For the Respondent(s): None

ORDER (ORAL)

Mr. A.K Patnaik, Member (J):

This application has been filed by the applicant under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- (i) "Allow the petitioner pension and all other pensionary benefits in due consideration of the petitioner having been voluntarily retired from service w.e.f 06.04.2011 under orders of competent authority.
- (ii) Pay the petitioner arrears of pay and allowance, if any, reckoned from 18.03.1996 to 06.04.2011 treating the period as under medical decategorization.
- (iii) Set aside and quash the communication A3 treating it as uncalled for in view of order being Annexure A8 as declaring him totally disabled and not fit for further Railway service.
- (iv) Pay all arrears on account of (i) and (ii) above forthwith.
- (v) Certify and transmit the entire records and papers pertaining to the applicants' case so that after the causes shown thereof conscionable justice may be done unto the applicants by way of grant of reliefs as prayed for in (i) to (iv) above.
- (vi) Any further order/orders and/or direction or directions as to your Lordships may seem fit and proper.
- (vii) Costs. "

2. Heard Ld. counsel Mr. B.R Das, leading Ms. S. Dutta, ld. counsel for the applicant. None appears for the official respondents.

3. Brief facts of this matter as narrated by Mr. B.R. Das, ld. counsel for the applicant are that the applicant who was working under the respondents as Porter (Group D) met with an accident and got severe head injury in 1993 while on his way to home after performing his duties. Thereafter, he was

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hospitalized and after recovery he was allowed to join his duties. It is submitted by ld. counsel for the applicant that the applicant fell sick in 1998 for the same reason and was admitted in N.F Railway Central Hospital on 24.12.1998 and both of his eyes were operated making him blind. It is further submitted by ld. counsel for the applicant that the applicant was given sick certificate for the period from 18.06.1996 to 12.03.1999 by the Railway Medical authority, and from 12.03.1999 to 12.04.2004 the applicant was under Private Medical treatment as he became completely blind. According to the ld. counsel for the applicant, the applicant went to resume his duties on 08.12.2005 whereupon he was again subjected to sick list w.e.f 09.12.2005 and was admitted to Central Hospital for the period from 06.01.2006 to 09.01.2006. It is submitted by the ld. counsel for the applicant that the hospital authorities and the attending Senior DMO (Ophthalmology) on 02.05.2006 declared the applicant's vision beyond improvement and recommended for a Medical Board for declaring him as disabled. Mr. Das, ld. counsel for the applicant further submitted that as the authority did not constitute Medical Board, the applicant had filed a case before this Tribunal being registered as O.A No. 350/660/2009 which was disposed of on 06.08.2009 by directing the respondents to constitute a Medical Board to assess the applicant's disability. Thereafter a Medical Board was constituted by the respondent authorities who examined the applicant, declared him as totally disabled and unfit for further Railway service and allowed him to retire voluntarily on medical grounds w.e.f 06.04.2011. The grievance of the applicant is that after retirement he has not been paid his pension and other retiral dues including arrears despite repeated requests. Being aggrieved and dissatisfied with such inaction of the respondent authorities, the applicant has come to this Tribunal seeking the aforesaid reliefs.

3. Ld. counsel Mr. B. R Das appearing on behalf of the applicant submitted that the applicant would be more or less satisfied if he is granted liberty to file a comprehensive representation to the Respondent No. 3 ventilating his

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grievances therein and the said authority or any other competent authority is directed to consider and dispose of his representation keeping in mind the observations made by the Medical Board / competent authority regarding his permanent disability for further Railway service, voluntary retirement on medical ground and all other relevant rules and regulations governing the field within a specific time frame.

Though no notice has been issued to the respondents, I find that it would not be prejudicial to either of the sides if such prayer of the ld. counsel for the applicant is allowed.

4. Accordingly, the applicant is permitted to file a comprehensive representation to the Respondent No. 3 i.e the Divisional Railway Manager (P) N.F Railway, Katihar within a period of 2 weeks ventilating his grievance therein. On receipt of such representation, the Respondent No. 3 shall consider and dispose of the same by passing a well reasoned order keeping in mind the observations made by the Medical Board / competent authority regarding his permanent disability for further Railway service, voluntary retirement on medical ground and all other relevant rules and regulations governing the field within a period of 6 weeks from the date of receipt of such representation from the applicant and communicate the result to him forthwith.

Though I have not gone into the merits, still I hope and trust that after such consideration if the applicant is found entitled to receive the benefits as claimed in the representation, he shall be granted the same within a further period of 6 weeks from the date of taking decision in the matter.

5. With the above observations and directions, the O.A is disposed of. No costs.

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6. As prayed by Mr. Das, ld. counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No. 3 by speed post by the Registry, for which Mr. Das will deposit the cost within one week. Ld. counsel Mr. Das, may be handed over a copy of this order. The applicant would be at liberty to annex a copy of this order and other necessary documents along with the representation to be preferred by him.

(A.K Patnaik)
Member (J)

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