

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No.O.A.350/00837/2014

Date of order : 12.01.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ARUN SANKAR CHATTERJEE

VS.

UNION OF INDIA & ORS.
(E. RLY.)

For the applicants : Mr. U. Ghosh, counsel
For the respondents : Mr. B.K. Roy, counsel

ORDER

Per Mrs. Bidisha Banerjee, J.M.

Heard ld. counsel for the parties.

2. This O.A. has been filed seeking the following reliefs:-
 - (a) An order directing the respondents to pay full payment during the period of suspension from 09.02.1990 to 03.09.1990 with interest from the date of exoneration in both the criminal cases at the market rate prevalent at the time of aforesaid period of suspension;
 - (b) An order directing the respondents to release all post retirement benefits and/or all settlement dues with an interest @ market rate from the date of retirement or any other date as to this Hon'ble Tribunal may seem fit and proper till the date of actual payment;
 - (c) An order directing the respondents to disburse and pay all the above mentioned dues within a period as to this Hon'ble Tribunal may seem fit and proper along with interest @ 18% per annum till the actual payment;
 - (d) An order directing the respondents to all other consequential benefits which the applicant is entitled to due to exoneration from criminal cases and due to regularization of the period of suspension as on duty;
 - (e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."
3. It is noticed that the applicant's suspension period was regularized treating the said period as 'on duty' with full payments and direction was given for payment of all his settlement dues, vide order dated 29.04.2014. Id. counsel for the applicant submitted that the applicant was superannuated w.e.f. 30.04.1996. Even on his acquittal from criminal charges on 06.05.2013, the balance amount of payment of the suspension period i.e. full salary after deducting the Subsistence Allowance, was not paid.
4. A rejoinder has been filed by the applicant claiming an exorbitant amount of 2 and a half crores as unpaid dues from the department without any basis which include his Leave Salary, balance amount of commutation facilities, DCRG etc.

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5. The Id. counsel for the respondents refuted the contention of the Id. counsel for the applicant and dispelled the claim. He invited our attention to a report which would reflect that final pension has been sanctioned and advised to be released, the commuted value of Rs. 2,03,594/- has been sanctioned, and DCRG amounting to Rs.1,64,800/- and pay and allowances amounting to Rs.14,148/- have already been received by the applicant. According to the Id. counsel nothing more would be payable.

5. Since there appeared to be a factual dispute in regard to the dues released and the dues claimed by the applicant, the respondent authorities would give a personal hearing to the applicant in regard to the same and pass a reasoned and speaking order on his representation within one month from the date of communication of this order. The respondents shall also pay the balance amount of dues, if any, payable to the applicant, within one month thereafter.

6. Accordingly the O.A. is disposed of. No costs.

(J. Das Gupta)
Administrative Member

(B. Banerjee)
Judicial Member

s.b



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.350/01992/2015

Date of order : 12.01.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. KALYAN GHOSH
2. RANBIR DAS
3. SAMIR KUMAR DE
4. SYAMAL KUMAR DAS
5. SUSHANTA KUMAR SARKAR

VS.

UNION OF INDIA & ORS.
(E. RLY.)

For the applicants : Mr. B.C. Deb, counsel
For the respondents : Mr. S.K. Das, counsel

ORDER

Per Mrs. Bidisha Banerjee, J.M.

The applicants are aggrieved as they have not been given Honorarium Bills/Cash Handling Allowance which they would be entitled to as per the extant Railway Board's Circulars.

2. The Id. counsel for the applicants submits that his clients filed a representation to the authority on 09.09.2015 and they would be satisfied ,if a direction is given to the respondents to consider their representation within a time bound period.

3. The Id. counsel for the respondents has no objection to such submission.

4. As such, in the interest of justice, we dispose of this O.A. with a direction to the respondent No.3 or any other competent authority to look into the grievance of the applicants and consider their representation in accordance with law and pass appropriate reasoned and speaking order within 2 months from the date of communication of this order. In case nothing stands in the way, appropriate benefits shall be given to the applicants within a period of one month thereafter. It is made clear that we have not gone into the merits of the matter. All the points are kept open for consideration by the respondents. No costs.

(J. Das Gupta)
Administrative Member

(B. Banerjee)
Judicial Member

s.b