

LIBRARY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O. A. No. 350/00079 of 2018.

Dilip Kumar Naiya, son of late
Pasupati Naiya, aged about 60
years, retired from the Station
Manager, MPRD Mathurapur Road
Station, Eastern Railway, Sealdah
Division, residing at Baruipur
Natun Para, P.O. & P.S. Baruipur,
Kolkata- 700 144, Dist. South 24
Parganas, West Bengal.

...Applicant.

-Vs-

1. Union of India through the General
Manager, Eastern Railway, 17, N. S.
Road, Kolkata- 700 001.
2. The Financial Advisor & Chief
Accounts Officer, Eastern Railway,
17, N. S. Road, Kolkata- 700 001.
3. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,

bl

Sealdah, 223, Kaiser Street,
Kolkata- 700 009.

4. The Senior Divisional Personnel
Officer, Eastern Railway, Sealdah
Division, Sealdah, 223, Kaiser
Street, Kolkata- 700 009.

... Respondents.

dl

O.A.No.350/79/2018

Date :31. 01.2018

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

For the applicant : Mr. S.K. Datta, counsel

For the respondents : None

ORDER(Oral)**A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- a) "An order holding that non-payment of salary for the month of November,2017 to the applicant as well as non-payment of post retirement of benefits including pension, gratuity, leave salary etc. are totally arbitrary and illegal;
- b) An order directing the respondent authorities to forthwith release and pay the salary of the applicant for the month of November,2017with interest as well as to release and pay pension and other post retirement benefits including gratuity, leave salary etc. with interest at the rate as to this Hon'ble Tribunal may seem fit and proper;
- c) An order directing the respondents to produce/cause production of all relevant records;
- d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. I have heard Mr. S.K. Datta, Id. counsel for the applicant. None appears for the respondents.

3. Brief facts of this case as narrated by Mr. Datta, Id. counsel for the applicant are that the applicant has retired on superannuation as Station Manager of Mathurapur Road Station of Eastern Railway, Sealdah Division with effect from 30th November, 2017. He handed over the charge in full to his successor in office who received the charge without any objection and after full satisfaction from the



applicant on 30th November, 2017. The grievance of the applicant is that though there was no admitted debit or any disciplinary proceeding against the applicant before or after superannuation, the respondent authorities have withheld the salary of the applicant for the month of November, 2017 and they have not paid the monthly pension and other post retirement benefits to the applicant save and except the provident fund amount. Mr. Datta further submitted that although the applicant made a representation dated 5.12.2017 (Annexure A/1) to the Respondent No.3 i.e. the Divisional Railway Manager, Eastern Railway, Sealdah Division, Kolkata ventilating his grievances therein, no reply has been received by him till date.

4. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representations to the authorities ventilating his grievances, no reply has been received by him till date.

5. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the

Al

system and keep the public servant away from a protracted period of litigation.”

6. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if a direction is given to the respondent authorities to consider and dispose of the representation of the applicant as per rules and regulations in force within a specific time frame.

7. Accordingly the Respondent No.3 i.e. the Divisional Railway Manager, Eastern Railway, Sealdah Division, Kolkata is directed to consider and dispose of the representation of the applicant dated 05.12.2017(Annexure A/1) by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. If the applicant's claim is found to be genuine then the consequential benefits shall be extended to him within a further period of six weeks from the date of taking decision in the matter.

8. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to Respondent No.3 by speed post by the Registry for which the Id. counsel for the applicant undertakes to deposit the cost within one week.

10. With the above observations the O.A stands disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member