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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1347/2016

Date of order : 21.11.2017

Present: Hon'ble Ms Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

PRADIP KUMAR CHATTERJEE
 S/o Late Pankaj Kumar Chatterjee,
 R/o 7/B Dutta Para Lane,
 PO - Chatra, Serampore,
 Dist. - Hooghly,
 Pin - 712204.

...APPLICANT.

VERSUS

1. Union of India, through
 The General Manager,
 Ministry of Railways,
 Rail Bhavan,
 New Delhi - 110001.
2. The General Manager,
 Eastern Railway,
 17 N.S.Road,
 Fairlie Place,
 Kolkata - 700001.
3. The Divisional Railway Manager,
 Office of the Divisional Railway,
 Eastern Railway,
 Howrah - 711101.
4. Finance Account &
 Chief Accounts Officer (Pension)
 Eastern Railway,
 Fairlie Place,
 17 Netaji Subhas Road,
 Kolkata - 700001.
5. The Sr. Divisional Commercial Manager,
 Eastern Railway,
 Howrah.
6. The Sr. Personnel Officer/T
 Eastern Railway,
 Fairlie Place,
 Kolkata
7. The Dy. Chief Commercial Manager/CAtg.,
 Eastern Railway,
 3 Koilaghat Street,
 Kolkata - 700001.

...RESPONDENTS.

[Signature]

For the applicant : Mr.B.K.Dey, counsel

For the respondents : Mr.M.K.Bandyopadhyay, counsel

O R D E R

By making this OA the applicant prays for a direction upon the respondents to release Rs.52,285/- to the applicant on account of gratuity along with interest calculated at the rate of 18% per annum on and from the date of superannuation i.e. from 30.6.2014.

2. Mr.B.K.Dey, 1d. Counsel for the applicant submits that the applicant retired from service on 30.6.2014. On 10.7.2014 Dy. Chief Commercial Manager/Catering issued an order addressed to the Chief Personnel Officer (Settlement), Eastern Railway asking him to held up DCRG money against the applicant since huge amount is outstanding against the applicant. The applicant wrote a letter to the Chief Commercial Manager, Eastern Railway stating the entire fact of non-issuance of no claim certificate and requested to pay the amount admissible in terms of gratuity. ON 1.8.2014 the applicant, citing his earlier letters again requested for release of his DCRG money.

The applicant being aggrieved by non-action of the respondents, approached this Tribunal in OA 1432/2014. This Tribunal on 8.9.2015 ordered as under :

"In view of the admitted position that no proceedings have been initiated against the employee prior to his retirement or after his superannuation till this date, I direct the authorities to consider the claim of the applicant in regard to release of gratuity and if nothing stands in the way to release the same within two months from the date of communication of this order or to pass a reasoned and speaking order justifying withholding of the entire gratuity amount.

The OA is accordingly disposed of. No order is passed as to costs."

Pursuant to the above order dated 8.9.2015 passed by this Tribunal, the respondent authorities released the amount of DCRG to the tune of Rs.6,41,705/- instead of Rs.6,93,990/- by deducting Rs.52,285/- as Railway Medical, House Building interest and Catering Debit. Hence the applicant has filed the present OA for release of the said amount along with interest.

3. It is submitted by the applicant that he did make a representation on 8.7.2016 and he will be satisfied if the OA is disposed of with a direction upon

the respondent authorities to dispose of the said representation.

Mr.M.K.Bandyopadhyay, ld. Counsel for the respondents submits that there is no objection if the matter is sent to the department for taking a decision on the representation.

4. Heard both the ld. Counsels, perused the papers and materials placed before us.

5. We noted that both the ld. Counsels have made submissions for consideration of the representation dated 8.7.2016 made by the applicant. However, on scrutiny of the papers it is noticed that the said representation dated 8.7.2016 has been disposed of by the respondent authorities vide order dated 18.7.2016 by the Chief Personnel Officer and the applicant was duly intimated, where the applicant acknowledged the receipt of the same on 23.7.2016. The said letter issued by the department on disposal of the representation dated 8.7.2016 required some reply from the applicant in terms of production of some relevant documents in support of his claim.

6(a) As regards point No.1 in regard to the refund of interest of HBA of Rs.20,030/- the respondent authorities requested as hereunder :

"You have not submitted copy of this letter. You are, therefore requested to kindly submit the proper documents in support of your claim."

(b) So far as point No.2 is concerned in regard to refund of Rs.21,030/- towards Medical Card under RELHS, the respondent authorities replied that as per Railway Board's letter dated 31.5.2012, joining RELHS, 97 has been made mandatory for all retiring railway personnel without any exit clause whatsoever. Accordingly Medical Card under RELHS had been issued to him on recovery of last month's basic pay amounting to Rs.21,030/- towards RELHS from the DCRG money and Medical Card has been issued to him. Therefore the question of refund of such amount does not arise.

(c) As regards point No.3, in regard to refund of Rs.11,225/- towards Catering Debit, it is mentioned that the matter has already been referred to the Catering Department. However, position in this regard will be intimated to the



applicant on receipt of opinion of the concerned officials of Catering Department.

7. Now the question arises as to whether the applicant completed the ^{required} formalities as ~~made~~ in the letter dated 18.7.2016.

8. In the Original Application we do not find any completion of formalities so far as required by the respondent authorities in their reply dated 18.7.2016.

9. As such it would be deemed fit and proper to dispose of this OA directing the applicant to approach the authority to complete the formalities as required in accordance with law. Thereafter the respondent authorities shall consider ^{balance amount of} his case and on consideration, if any ~~left~~ DCRG due to the applicant ^{as per} law, the same will be immediately released to the applicant within a period of 3 months from the date of receipt of the copy of this order.

10. With this observation and direction the OA is disposed of. No costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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