



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/01364 of 2016

-And-

In the matter of :

An application under Section 19 of

the Administrative Tribunal Act,

1985;

-And-

In the matter of :

Mrs. Malati Bal,

Wife of Benoy Kumar Bal,

Ex CM BR.S./E - Rail Sealdah,

Permanent residence of Village -

Kodialia, 30 RGBV Road, District -

South 24 Parganas, presently

residing at E 8/6 Purbasha Housing

Estate, 160 Maniktala Main Road,

Kolkata - 700054.

....Applicant

Malati Bal

-Versus-

Malati Bal

1. The Union of India,
service through the General
Manager, Eastern Railway, 17, N.S.
Road, Fairlie Place, Kolkata -
700001.

2. The Chief Personnel, Officer
Eastern Railway, 17, N.S. Road,
Fairlie Place, Kolkata - 700001.

3. The Divisional Railway
Manager, Sealdah
Eastern Railway, D.R.M. Building,
Kaizer Street, Kolkata - 700014.

4. The Divisional Personnel
Manager, Sealdah
Eastern Railway, D.R.M. Building,
Kaizer Street, Kolkata - 700014.

5. The Senior Divisional Finance
Manager, Sealdah Division, Eastern

Malati Bal

Malati

Railway, D.R.M. Building, Kaizer
Street, Kolkata - 700014.

6. The State Bank of India,
service through the Branch
Manager, Bagmari Branch, Kolkata
- 700054.

7. The Branch Manager,
State Bank of India,
Bagmari Branch, Kolkata - 700054.

....Respondents

Alles

No. O.A. 350/1364/2016

Date of order: 22.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. A. Ghosh, Counsel

For the Respondents : Ms. Gopa Roy, Counsel

O R D E R (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. A. Ghosh, Ld. Counsel for the applicant and Ms. Gopa Roy, Ld.

Counsel for the respondents.

2. The applicant has filed this O.A. under Section 19 of the AT Act, 1985 challenging the purported failure on the part of the respondent authority concerned to take appropriate step to restore the basic pension of the applicant though the commutation period is over after completion of 15 years a per the Scheme of commutation of pension with the following reliefs:-

"a. An order directing the respondents and their officers, men, agents and each one of them to restore the pension and release the full basic pension which was originally entitled to w.e.f. 1.8.2015 along with interest @ 10% per annum on the arrear deducted amount from 1.8.2015 till actual disbursement.

b. An order directing the respondents and their officers, men, agent and each one of them to refund the excess deducted commuted pension with effect from 1.8.2015 till date and to stop deducting commuted pension any further.

c. An order directing the respondents and their officer, men, agents and each one of them to pay the cost and towards the harassment and mental agony."

3. The Ld. Counsel for the applicant submitted that on 31.7.2000 the applicant superannuated from service from the post of Chief Matron, B.R. Singh Hospital, Eastern Railway, Sealdah. She received an amount of Rs. 2,35,205/- towards pension on 1.8.2000 and accordingly came to know that her pension was reduced to Rs. 2999/- Aggrieved by the same the



applicant made a representation dated 12.7.2016 to the respondent No. 5 but till date she has not received any response. The Ld. Counsel for the applicant submitted that the applicant's pension should be restored to its full amount i.e. Rs. 4997/- w.e.f. 1.8.2015.

4. Ld. Counsel for the applicant submitted that the applicant will be more or less satisfied if a specific time frame is granted to the respondent No. 5 to consider and dispose of the said representation.

5. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent No. 5 that if any such representation has been preferred on 12.7.2016 and still pending consideration then the same may be considered and disposed of by way of a well reasoned order within a period of two months and if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

6. A copy of this order along with paper book be transmitted to the respondent No. 5 by speed post for which Mr. A. Ghosh undertakes to deposit necessary cost within a period of 7 days.

7. With the aforesaid observation and direction, the O.A. is disposed of. No costs.

8. It is made clear that we have not expressed any opinion on the merits of the case. All points are kept open for consideration by the respondent No. 5.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member