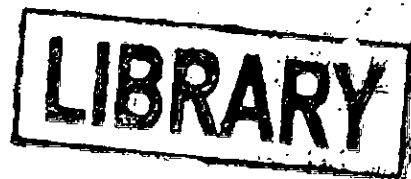


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1530/2016

Date of order : 26.4.2017

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

PRANAB SANKAR BAGCHI

S/o Late Pratap Sankar Bagchi,
R/o Helabattala Barackpore Road,
Sarojini Polly Hriday Bandhan Flat,
Barasat,
Kolkata - 700124.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
2. The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
3. The Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
4. The Chief Motive Power Engineer (Diesel)
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
5. The Divisional Railway Manager,
Eastern Railway,
Sealdah.
6. The Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah.

...RESPONDENTS.

For the applicant : Ms.S.Dey (Basu), counsel

For the respondents: Mr.S.K.Das, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Ms.S.Dey (Basu), Id. Counsel appearing for the applicant and

Mr.S.K.Das, Id. Counsel appearing for the departmental respondents.

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2. This OA has been filed by the applicant being aggrieved by non-consideration of the representation, under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following relief :

"Direction upon the respondents to refund the amount recovered from the pension account of the applicant with 18% interest per annum declaring that the recovery which has been made by the respondents from the pension account of the applicant is illegal arbitrary and malafide".

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant is that he was a direct recruitee w.e.f. 20.4.1980, regularised as Fitter in charge, Gr. B in 1981. He retired from service on attaining the age of superannuation on 31.12.2007 as Senior Section Engineer (Diesel), Eastern Railway, Sealdah under respondent No.3. Upon retirement he received his terminal benefits, but most unfortunately it has been detected by the applicant that an amount of Rs.2594/- each month from 2008 till June, 2016, Rs.1488/- from 2010 to June, 2016, Rs.902/- from 2014 to June, 2016 has already been deducted from his pension account and such deduction would continue till 2029.

Hence this application.

4. At the very outset Mr.Das, Id. Counsel for the respondents raised the point of maintainability by drawing my attention to the provisions enumerated under Section 20 of CAT Act and submitted that the applicant has approached this Tribunal without ventilating his grievances before the appropriate departmental authority and so this OA is not maintainable.

I am also satisfied with the argument advanced by Mr.Das.

5. However, Ms.Dey (Basu) prayed for liberty of this Tribunal to withdraw this OA and to make a fresh representation to respondent No.3 within a period of seven days pinpointing his grievances and if any such representation is so preferred within seven days from today then respondent No.3 will consider the same as per the rules and regulations in force, particularly keeping in mind the principles of natural justice.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said

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respondent No.3 to consider the same as per the rules and regulations in force, still then I hope and trust that while considering the said representation respondent No.3 will also verify whether any prior opportunity was given to the applicant before recovery. After such consideration, if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 2 months from the date of such consideration to extend the benefit to the applicant. Till such consideration no recovery shall be made from the pension account of the applicant.

7. However, I also made it clear that if in the meantime the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

9 A copy of this order be handed over to both the Id. Counsels. The applicant will be at liberty to annex a copy of this order along with the representation if so advised.

(A.K.PATNAIK)
MEMBER (J)

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