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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



MA. 367 of 2013  
OA. 552 of 2013

Date of Order: 09.08.2016

Present : Hon'ble Ms. Urmita Dutta Sen, Judicial Member

S. E. Railway  
Vs.  
M.M. Chatterjee

For the Applicant : Mr. BL Gangopadhyay, Counsel  
(Respondents in OA)

For the Respondents : Mr. PP Mukherjee, Counsel  
(Applicant in OA)

ORDER (Oral)

Per Ms. Urmita Dutta Sen, JM:-

The instant application has been filed by the applicant praying for following reliefs:

"8(a) For pass an appropriate order directing the respondent authorities to disburse the Pensionary Benefits to the applicant i.e. Payment of Gratuity etc. in terms of paragraph 4.8 hereinabove mentioned with 18% interest p.a. with effect from the date legally payable from the respondents.

(b) For pass an appropriate order directing upon the respondent authorities to take immediate decision in respect of payment of Pensionary benefit of the applicant who was performed the duties and responsibilities to the post of Rigger Gr. III bearing T. No. 21545, Shop No. 21 of South Eastern Railway Workshop, Kharagpur.

(c) For pass an order directing the respondents authority to pay an interest @ 18% P.A on gratuity till payment is made.

(d) To produce all relevant records at the time of hearing.

(e) Cost.

(f) Any other appropriate relief or reliefs as your Lordship may fit and proper."

2. As per the applicant, while he was working to the post of Technician Grade – III at Kharagpur Workshop, South Eastern Railway, he was prosecuted by R.P.F. in two cases. One is being R.P.F. Workshop Pet. Case No. 15/92 under Section 3(a) R.P.U.P. Act and other is R.P.F. Workshop Post Case No. 17/2000 under section 3(a) R.P.U.P. Act. Therefore, he was suspended vide order dated 22.06.2000 (Annexure A-1), which was ultimately revoked on 04.10.2001 (Annexure A-2). Thereafter, the R.P.F. case No.

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15/92(U.R. Case No. 126/92) was finally disposed of on 03.01.2007 by the Judicial Magistrate for 1<sup>st</sup> Class 3<sup>rd</sup> Court, Medinipur District, whereby the applicant was discharged from the allegation. However, on criminal revision being No. 137/07 was preferred by the respondents before the District and Session Judge, Paschim Medinipur which was also dismissed by the Learned 4<sup>th</sup> Court at Additional Session Judge, Paschim Medinipur on 17.09.2008 (Annexure A-3). Whereafter in another R.P.F. Workshop Post Case No. 17/2000 (U.R. Case No. 82/2000), the applicant was acquitted by the Judicial Magistrate, 1<sup>st</sup> Class 2<sup>nd</sup> Court, Medinipur on 30.06.2012. However, the department has preferred one criminal appeal being No. 26/13 before the Additional District Judge, 1<sup>st</sup> track 2<sup>nd</sup> Court, Paschim Medinipur, which was finally disposed of on 31.03.2016 by dismissing the criminal appeal preferred by the respondents affirmed Case No. 82/2000. In the mean time applicant was retired on 31.08.2008.

3. Both the counsels are agreeing that ~~there was~~ no criminal case is pending against the applicant.

4. However, the learned counsel for respondents submitted that after disposal of the said criminal case, the respondents have decided to withdraw the punishment imposed against the applicant and to grant his due promotion & protect his seniority, increment etc vide order dated 01.07.2016. The order dated 01.07.2016 is as follows:

"Sub : Implementation of judgment dated 31.03.16 in criminal appeal No. 26/13, Ajoy Kumar Singh vs. M.M. Chatterjee.

Ref : Your Letter Even No. SER/P-KGPW/CC/565/MMC/IMPL/1316, dt. 03.05.16.

In reference to the above, DA has passed the following order for implementation of judgement.

1. Punishment against Shri M.M. Chatterjee, Tech:III, T/No. 21802 is hereby withdrawn as per court order.
2. He may be granted his due promotion & protect his seniority as per rule.
3. He may be granted increment as per rule.
4. The suspension period from 22.06.2000 to 03.10.2001 is hereby regularized."

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5. Heard both and perused the materials on record.

6. From the above, it is clear that the respondents have already taken a decision in favour of the applicant. Then it is obvious after granting above mentioned benefits the respondents will re-fix the pension of the applicant in his promoted post and make payment of the pension accordingly.

7. In view of above, the OA is disposed of with a direction to the respondent no. 4 to re-fix the pension and make payment thereafter within a fort night and other benefits will be released consequentially within a period of 3 months.

8. Accordingly, both the MA and OA are disposed of. No costs.

  
(Urmita Dutta Sen)  
Member (J)

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