



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC. 37 of 2013
(O.A. 536 of 2002)

Date of order: 31.3.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SMT. URMILA VERMA

VS.

G.C. AGARWAL & ORS. (Eastern Railway)

For the Applicant : Mr. P.K. Halder, Counsel

For the Respondents : Mr. L.K. Chatterjee, Counsel
Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)

Per Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant and Ld. Counsel for the respondents. The order sought to be complied is dated 28.3.2008 and is reproduced hereinbelow:-

" Heard Mr. P.C. Das, Ld. Counsel for the applicant and perused the pleadings. Heard the Ld. Counsel at length. We find that a Bench of this Tribunal has already condoned the delay in their order dated 11.1.2008 and that having not been assailed, it has attained its finality.

2. We carefully perused the impugned order dated 28.12.1995 at Annexure 'Z-1' which reveals that on an office note some order has been passed by the concerned authority which amply reveals that it is not a proper order of the appellate authority. The charged employee died in the year 1998. At this stage we do not want to reopen the matter after a long lapse of time. But after careful consideration we find that the impugned penalty of removal is disproportionate to the misconduct. Accordingly, we modify that to one of compulsory retirement which shall entitle the said employee for pension and pensionary benefits so also the applicants widow the family pension, in accordance with the rules.

3. The O.A. is accordingly disposed of. No costs."

2. A perusal of this order reveals that this Tribunal found that the penalty of removal was disproportionate to the misconduct of the employee and thus modified the order of punishment of 'removal' by one of 'compulsory retirement' and also passed an order that the applicant shall be entitled for pension and pensionary benefit and also the wife the family pension in accordance with rules.

3. It has been contended by Ld. Counsel for the respondents that all the benefits accrued on account of compulsory retirement has already been paid to the applicant in terms of the order. It was further contended that the husband of applicant has not completed the qualifying service of 10 years to grant pension.

4. Hence, the petitioner's husband was not at all entitled to the benefit of pension.

5. So far as Rule 75 of CCS Pension Rules is concerned it provides family pension to the wife of those employees who had worked for one year subject to other conditions mentioned in Rule 75.

6. Therefore, the question is left to be decided by this Tribunal so far as the family pension is concerned. But so far as pension and pensionary benefits due to the petitioner's husband is concerned, we are of the view that the petitioner's husband is not entitled to pension. Other benefits accruing on account of compulsory retirement have already been paid.

7. Therefore, the matter be listed on 4.7.2016 to dispose of the question of non-compliance of order in the light of CCS Pension Rules.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP