

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 020/282/2017

Date of Order: 05.12.2018

Between:

K. Venkateswara Rao, S/o. Sambaiah,
Aged about 62 years, Ex. Box Boy under Area Inspector,
S.C. Railway, Visakhapatnam,
R/o. C/o. Masthan (SC Rly), Door No. 22-12-194,
Urakrishnaya Vari Veedhi, Lalapet,
Guntur – 552 003, A.P.

...Applicant

And

1. Union of India, Rep. by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Electrical Engineer,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Addl. Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada – 520 001 (AP).
4. The Senior Divisional Electrical Engineer,
Traction Shed (Operations), SC Railway,
Traction Shed, Vijayawada Division, Vijayawada.
5. The Senior Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
Vijayawada – 520 001 (AP).

...Respondents

Counsel for the Applicant ... Mr. Rachna Kumari

Counsel for the Respondents ... Ms. Shyama Sundari, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed against inaction on the part of the respondents to release the pension and pensionary benefits to the applicant.

2. Brief facts of the case are that the applicant was initially appointed as Casual Labour in the respondent organization in 1974. Thereafter, the applicant was regularized as Khalasi on 10.02.1977 and posted to work under Loco Foreman in the respondent organization. The applicant was issued charge memo dated 27.09.1996 for the alleged unauthorized absence for 94 days. The applicant represented against the charges vide letter dated 14.04.1997. The inquiry officer concluded the inquiry exparte without ensuring that the notices were served on the applicant on 28.08.1998 and submitted his report on 29.08.1998. The report was not made available to the applicant, reason being that the report of the inquiry officer was sent to a wrong address. The disciplinary authority imposed the penalty of removal from service on 28.01.1999 agreeing with the report of the inquiry officer. The disciplinary authority adduced that the inquiry officer report was returned undelivered. The appeal submitted to the 3rd respondent was also rejected on 07.09.1999. The applicant, on coming to know that several similarly situated employees were reinstated by modifying the gravity of the punishment has also represented to the 2nd respondent on 05.01.2005. There being no response for the same, the applicant filed OA No. 701/2005 wherein the respondents were directed to dispose of the representation of the applicant. The 2nd respondent modified the punishment from removal from service to that of Compulsory retirement vide orders dated 09.12.2005 w.e.f. 18.02.1999. Based on this order, the applicant made several representations dated 12.02.2006, 23.03.2006, 19.04.2006 and 27.03.2007

requesting to release the pension, pensionary benefits and other consequential benefits due to the applicant.

3. The respondents have not filed reply statement despite specific orders of this Tribunal on 03.08.2018, 10.09.2018, 19.09.2018 and finally on 04.12.2018 it was informed that a last opportunity is given and if the respondents counsel does not appear the case will be heard and decided on merits. Accordingly, the case was heard on 05.12.2018. The respondents have not filed reply statement even to this date. Learned counsel for the respondents also did not appear today and also on several occasions in the past.

4. Heard learned counsel for the applicant who has pleaded that a direction may be given to the respondents to dispose of the representations of the applicant for releasing the pension and pensionary benefits along with consequential benefits.

5. It is evident that the applicant's punishment on being modified from removal from service to that of compulsory retirement, the respondents are expected to release the terminal benefits like pension and other pensionary benefits. To a retired employee, pension is critical in order to allow him to eke out his livelihood. Delay does cause untold hardship to a retired employee. The representations of the applicant are pending since the year 2006. Nearly 12 years have passed since he represented and it has been about 13 years from the date of modifying the punishment from removal to compulsory retirement. It is also disturbing to note that the respondents have not filed reply statement since April 2017 despite several opportunities and specific directions given by this Tribunal.

6. Hence, the respondents are directed to dispose of the cited representations wherein a request was made for release of pension and pensionary benefits and consequential benefits, within a period of 30 days from the date of receipt of this order. Accordingly, OA is disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 5th day of November, 2018

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