



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01747/2018

Date of order: 14.2.2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Kameshwar Prosad,
Son of Late Sheogi Prosad,
Ex-Senior Technician Off-Set Machine
Attached to the Office of the AMPS/GP Press
(Printing and Stationery),
Eastern Railway, Kolkata &
Residing at 24/2, R.N. Chowdhury Road,
Post Office – Tangra,
Police Station – Entally,
Kolkata – 700 015.

Applicant

- VERSUS -

1. Union of India,
Service through the Secretary,
Ministry of Railways,
Having its Office at Rail Bhavan,
New Delhi – 110 001.
2. The General Manager,
Eastern Railway,
Having its Office at Fairlie Place,
Kolkata – 700 001.
3. The Senior Manager (Printing & Stationery),
Eastern Railway,
Calcutta,
Having its Office at Fairlie Place,
Kolkata – 700 001.
4. The Chief Personnel Officer,
(Printing & Stationery),
Eastern Railway,
Calcutta,
Having its Office at Fairlie Place,
Kolkata – 700 001.
5. The Assistant Chief Personnel Officer,
(Printing & Stationery),

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Eastern Railway,
Calcutta,
Having its Office at Fairlie Place,
Kolkata – 700 001.

6. The Assistant Financial Advisor (Pension),
Eastern Railway,
Calcutta,
Having its Office at Fairlie Place,
Kolkata – 700 001.

.. Respondents

For the Applicant : Mr. S.K. Das, Counsel

For the Respondents : Mr. S.K. Das, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed by the applicant under Section 19 of the Administrative-Tribunals Act, 1985 seeking the following relief:-

"(a) A mandatory order be passed directing the Respondent Railway authorities their men, agents, subordinates and each one of them to forthwith take steps to release the Final Pension, Death Cum Retirement Gratuity, Commutation of Pension, Composite Transfer Grant & RELHS benefits along with interest accrued thereon in favour of the applicant in terms of the Pension Payment Order for unnecessary withholding the same by extending the benefits of the judgment and order passed by this Learned Tribunal in O.A. No. 1317 of 2013 (Sukumar Maiti – Versus – Union of India & others) which has been affirmed by the Honble High Court at Calcutta in WPCIT No. 168 of 2016 (Union of India and others –versus – Sukumar Maiti).

(b) To pass such other or further order or orders as Your Lordships may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The case of the applicant, as articulated by his Ld. Counsel, is that, while on duty, the applicant, was involved in a criminal case being No. RPF/PF/Post Case No. 12 of 2010 for charges under Section 145/146/147 of the Railways Act, 1989 and that the applicant, having surrendered before the Court of the Ld. Chief Metropolitan Magistrate, Calcutta, was released on bail.

The applicant preferred a representation to the concerned respondent authorities on 9.2.2018 (Annexure A-3 to the O.A.) in which he has prayed for

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forthwith release of Final Pension, Death Cum Retirement Gratuity, Commutation of Pension, Composite Transfer Grant as well as RELHS benefits along with interest accrued thereon in the light of judgment and order passed by this Tribunal in O.A. No. 1317 of 2013 (*Sukumar Maiti v. Union of India & ors.*) which had subsequently been upheld by the Hon'ble High Court at Calcutta in WPCT No. 168 of 2016.

Ld. Counsel for the applicant further submits that, as such, the applicant will be fairly satisfied if a direction is issued to the concerned respondent authority to dispose of the said representation in a time bound manner.

4. Ld. Counsel for the respondents does not object if a direction is issued to the authorities to consider such representation in accordance with law.

5. Accordingly, with the consent of the parties and, without entering into the merits of the matter, I direct the respondent No. 2, namely, the General Manager, Eastern Railway, to whom the said representation has been addressed, to examine the contents of the representation, if received at his end, and to dispose of the same in the form of a reasoned and speaking order, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Decision arrived at should be communicated forthwith to the applicant.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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