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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/841 of 2014

IN THE MATTER OF:

JOGGESWAR BHATTACHARJEE, aged
about 62 years, son of Late Sambhunath
Bhattacharjee, residing at 145/1, Udyagarh
More, Daspara, Post Office Bhatta Nagar,

Liluah, District- Howrah- 711204; *Ex Khalaan Hopper,
Bandel, E. Rly.*

...Applicant

-Versus-

1. **UNION OF INDIA** service through the
General Manager, Eastern Railway, 17,
N.S. Road, Fairlie Place, Kolkata-700001.
2. **THE DIVISIONAL RAILWAY MANAGER**,
Eastern Railway, Howrah Division, Post
Office and District- Howrah-711101;
3. **THE SENIOR DIVISIONAL PERSONNEL
OFFICER**, Eastern Railway, Howrah
Division, Post Office and District- Howrah-
711101;
4. **THE DIVISIONAL PERSONNEL
OFFICER**, Eastern Railway, Howrah

2014

Division, Post Office and District- Howrah-

711101;

... Respondents.

WAL

O.A.No.350/841/2014

Date : 22/11/18

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

JOGGESWAR BHATTACHARJEE

-VS-

UNION OF INDIA & ORS.

(E. RLY.)

For the applicant : Mr. P.C. Das, counsel

For the respondents : Mr. A.K. Guha, counsel

ORDER

A.K. Patnaik, Judicial Member

The Applicant is a retired employee of Railway. He has filed this Original Application seeking the following relief:

- (a) To pass an appropriate order directing upon the Respondent authority to refund the recovery amount of Rs. 96,467/- along with up to date interest which was recovered from the Death Cum Retirement Gratuity of the applicant without assigning any reason and without giving any notice to the present applicant;
- (b) To pass an appropriate order directing upon the respondent authority to disburse the CVP amount of Rs. 2,06,293/- and the balance amount of Death cum Retirement Gratuity money, the balance money of the Provident Fund and one month salary i.e.

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February, 2013 may be paid to the present applicant along with interest;

- (c) The respondents be directed to give the usual increment to the present applicant which has not been given by the railway authority with effect from 2003 till the date of superannuation except three increments.
- (d) The respondents be directed to clear all the balance amount of settlement dues and other pensionary benefits which your applicant is entitled within a very short period of time so that the applicant can survive the rest of his life.
- (e) The respondents also be directed to re fix your applicant's pension after taken into consideration the full increment with effect from 2003 and to enhance the pension after taken into consideration the said increment and disburse the same to the applicant along with all arrears."

2. Respondents filed their Reply in which it has been stated that the DCRG amount payable to the applicant was Rs. 2,30,049/- out of which an amount of Rs.10,490/- towards RELHS dues, Rs.3,440/- towards over payment made to him, Rs.62,537/-, towards ECCS Bank Loan and Rs. 4,108/- towards electricity dues have been recovered & rest of the amount was already released in his favour. Similarly, as regards sanction of increment is concerned, it has been stated that in the year 2003 one increment was stopped by way of punishment. Similarly they have stated that in the year 2006 & 2007 he was not entitled to annual increment as

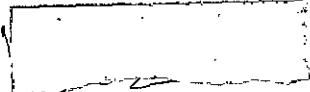
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he remained on leave without pay which was informed to the applicant vide letter dated 15.2.2014. Accordingly, the Respondents have prayed that as the applicant has no case this OA is liable to be dismissed.

3. Heard learned counsel for both sides and perused the records.

4. Neither in the pleadings nor in course of hearing any such evidence has been brought to the notice that recovery of the said amount as well as stoppage of increment was in any manner illegal. Learned counsel appearing for the applicant has mainly emphasized that as the recovery was without putting any notice to the applicant, the same is not sustainable in the eyes of law. Learned Counsel appearing for the Respondents vehemently opposed the said argument by stating that as the recovery was statutory in nature, there was no necessity to put any notice to the applicant before recovering the same. I am in agreement with the argument advanced by learned counsel for the Respondents especially because when the ultimate result is same, not putting notice before recovery cannot be a ground to hold the action as illegal. However, the applicant has got ample opportunity after getting the Reply to explain as to how such recovery and non grant of the increment was illegal in the Rejoinder but he failed to do so.

5. In view of the discussions made above, I hold this OA is without any merit and the same is accordingly dismissed. No costs.


(A.K. Patnaik)
Member (Judicial)