



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O. A. No. 350/01443 of 2018.

Purabi Das, wife of late Narayan
Chandra Das, aged about 65 years,
Telephone Operator (Retired),
Ordnance Factory Board, 10A, S.K.
Bose Road, Kolkata- 700 001,
residing at 26/15, Paresh
Mazumdar Road, Kolkata- 700 078.

...Applicant.

-Vs-

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Defence, Department of
Defence Production, South Block,
New Delhi- 110 011.
2. The Chairman, Ordnance Factory
Board/Director General, Ordnance
Factories, 10A, Sahid Khudiram
Bose Road, Kolkata- 700 001.

3. The Principal Controller of Defence
Accounts (Pensions), Draupadi
Ghat, Allahabad-211 014.

... Respondents.



- 1 -

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/01443/2018

Date of Order: 29.11.2018

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

PURABI DAS
-VS-
DEFENCE

For the Applicant(s): Mr. S.K.Datta, Counsel

For the Respondent(s): Mr. A.K.Chattopadhyay, Counsel

ORDER (Oral)

A.K Patnaik, Member (J):

Heard Mr. S.K.Datta, Ld. Counsel for the applicant, and Mr. A.K.Chattopadhyay, Ld. Counsel appearing for the Official Respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a. An order directing the respondents to pay to the applicant the Leave Salary with interest at the rate as to this Hon'ble Tribunal may seem fit and proper from the date of her retirement till the date of actual payment.

b. An order directing the respondents to grant, release and pay to the applicant arrears of pension as well as commuted value of pension after permitting her to commute her pension with interest at the rate as to this Hon'ble Tribunal may seem fit and proper from the date of dropping the proceedings held against the applicant till the date of actual payment.

c. An order directing the respondents to pay arrears of Provisional Pension to the applicant which she was entitled to till the finalization of the disciplinary proceeding from the date it was not paid to the applicant i.e. from August, 2013 with interest at the rate as to this Hon'ble Tribunal may seem fit and proper.

d. An order directing the respondents to make payments of the post retirement benefits as well as interest as prayed for hereinabove within a period as to this Hon'ble Tribunal may seem fit and proper.

e. An order directing the respondents to produce / cause production of all relevant records.

f. Any other order or further order / orders as to this Hon'ble Tribunal may seem fit and proper."

Ndl

3. Ld. Counsel for the applicant submitted that the applicant is a retired Telephone Operator of Ordnance Factory Board, Kolkata and she retired while under suspension with effect from 31.1.2013 (A/N) and after nine months of her retirement the applicant was sanctioned only Provisional Pension that too for six months from 1.2.2013 and other benefits including Leave Salary were withheld although there was no proceedings against the applicant before or after retirement or even when the Provisional Pension was sanctioned. The applicant was served with a charge sheet dated 6.3.2014 and the said proceeding has culminated by dropping the proceeding by order dated 30th March, 2015 by the Disciplinary Authority as communicated to the applicant by order dated 30th March, 2015 and thereafter the applicant made several representations for grant of regular pension, gratuity and other post retirement benefits including interest but to no effect. He further submitted that despite making repeated representation on 06.01.2016, 05.08.2016, 11.05.2018 and the last one being made on 01.09.2018, nothing has been communicated to the applicant till date. He submitted that applicant's grievance may be redressed if the matter is disposed of by directing Respondent No.1 to consider the representation preferred by the applicant under Annexure-A/12.

4. I do not think that it will be prejudicial to either of the sides if such a prayer made by the Ld. Counsel for the applicant is accepted and, accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.1 that if the representation, which has already been annexed under Annexure-A/12, is still pending consideration then the same may be considered as per rules and regulations in force and result be communicated to the applicant by way of a well reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. Although, I have not entered into the merit of the

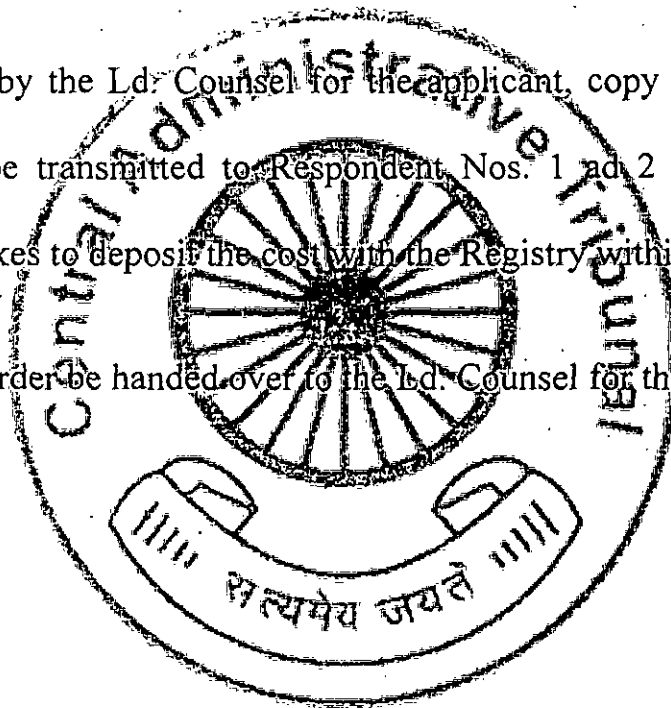


matter still then I make it clear that till the representation is considered, the Respondents may sympathetically consider the precarious condition of the applicant and grant some provisional pension till the final outcome of the decision and it will not stand as a bar on the Respondents to grant those benefits to the applicant if she is otherwise entitled. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 1 and 2 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.



(A.K.Patnaik)
Member(J)

RK/PS