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OA/350/00083/2019

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA.

PARTICULARS OF THE APPLICANT:

Tarak Chandra Ghosh, C/O-Balaraam Ghosh, aged about 60 years, by Occupation-retired from Service, residing at Garia Saradapally, Rajpur Sonarpur (M), Post Office- Panchpota, District-South 24-Parganas, PIN-700152, West Bengal.

.....APPLICANT

-V E R S U S -

PARTICULARS OF THE RESPONDENTS:

1. Union of India, service through the General Manager, Metro Railway, 33A, Jawaharlal Nehru Road, Kolkata-700071.
2. The Financial Advisor & Chief Accounts Officer, Metro Railway, 33A, Jawaharlal Nehru Road, Kolkata-700071.
3. The Principal Chief Personnel Officer, Metro Railway, 33A, Jawaharlal Nehru Road, Kolkata-700071.

...RESPONDENTS

Ad

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/83/2019

Date of Order: 29.01.2019

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

Tarak Ch. Ghosh -vs- Metro Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel

Ms. P. Mondal, Counsel

For the Respondent(s): Mr. B. L Gangopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Mr. B.L.Gangopadhyay, Ld. Counsel, who usually appears for the Metro Railways, is present in the Court, on my request Mr. Chakraborty has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Gangopadhyay, in extenso.

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

"A) An order do issue directing the respondents to make arrangement for immediate payment of the admissible gratuity amount in favour of the applicant after deducting the amount as directed vide order being No. 07 dated 15.09.2018 passed by Learned Court at Alipore in the aforesaid insolvency case being No. 07/2018 without prejudice to his rights and contentions made in the proceeding pending before Hon'ble High Court at Calcutta against the said order passed by Learned Court at Alipore in the said insolvency case."

4. The case, in short, as narrated by Ld. Counsel for the applicant is that the applicant, who retired as Sr. Technician under Electrical Department on 31.12.2018, was served with PPO wherefrom it is clear that gratuity amount to the

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tune of Rs. 9,08,243/- and commutation amount to the tune of Rs. 9,93,113/- had been sanctioned in his favour. The applicant was served with an Office order dated 10.10.2018 mentioning that order in an Insolvency Case being No. 07/2018 had been passed by the Learned Court at Alipore directing the Railways to withhold an amount of Rs. 1,77,000/- from retiring dues of the applicant. Thereafter, the applicant preferred a memo of appeal before the Hon'ble High Court at Calcutta challenging the same and he was released with some retiring benefits but the Gratuity amount has not been released in his favour although sanction was given for the same in the PPO. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a representation on 02.01.2019 (Annexure-A/4) before all the Respondents seeking Gratuity but nothing has been communicated to him till date. He further submitted that the applicant's grievance may be redressed if Respondent No.3 is directed to consider the representation within a specific time frame.

5. Having heard Ld. Counsel for the parties without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation dt. 02.01.2019 (Annexure-A/4), if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken to release the Gratuity within a further period of six weeks from the date of such consideration. I 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 a period of two weeks.

B.M.

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

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 3, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)
Member(J)

RK/PS

