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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

C.A. No. 390/1498 of 2018

Jagatendhu Prasad Biswas,
son of Late Uma Pada Biswas,
aged about 63 years, worked as
Sr. Programmer, R.D.P., Central
Maligaon, North Frontier Railways,
Guwahati, Assam, 781011, residing
at Flat No. C12/201 Peerless Nagar,
P.O. Pantheti, Kolkata, 700114.

.... Applicant

Versus

1. Union of India, through the
General Manager, North East Frontier
Railway, Maligaon, Rly. H.O.
Guwahati, 781011.

2. The P. & C. O., North East
Frontier Railway, Maligaon, P.O.

Maligaon, Rly. H.O. Guwahati, 781011.

3. The Financial Advisor & Chief
Accounts Officer, North Frontier
Railway, Maligaon, P.O. Maligaon,
Rly. H.O. Guwahati, 781011.

W.L

4. The Senior A.T.M./Pension - IV.

North Frontier Railway, Maligaon,

P.O. Maligaon, Guwahati Rly. H.C.

Pin - 781011.

5. Manager.

State Bank of India, Centralised Pension

Processing Centre, Camacchi Bhawan,

7th Floor, Strand road, Kolkata - 700001.

..... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1498/2018

Date of Order: 10.10.2018

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

For the Applicant(s): Mr.T.K. Biswas, Counsel

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

ORDER (ORAL)Mr. A.K Patnaik, Member (J):

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging the acts or omission on the part of the respondents in not calculating his pension as per the Office Memorandum dated 25.05.2017 and prayed for setting aside the revised pension order dated 26.07.2018 along with the calculation sheet(Annexure A/7) being not sustainable in the eye of law. The applicant has also prayed for a direction to the respondents not to reduce his pension amount from 36,392/- and to calculate his pension according to Office Memorandum dated 25.05.2017 and resolution dated 04.08.2016..

2. In this O.A. the applicant has sought for the following reliefs:-

"8.(a) An order directing the respondents to set aside the revised pension order dated 26.7.2018 along with calculation sheet (Annexure A-7) and which is not sustainable as per law and further directing the respondents not to reduce any pension amounts from Rs. 36, 392/- and which was enjoying the applicant still now and same may be continued.

(b) An order directing the respondents to calculate the pension according to order dated 25.5.2017 Para-VI and resolution dt. 4.8.2016 (para II) basis (Annexure A6 collectively);

(c) An order directing the respondents to consider the representation dated 3.9.2018 (annexure A-8) within specific period of time;

(d) Any other order or further orders as to Your Lordships may deem fit and proper."



2. Heard ld. counsel for the applicant Mr. T.K. Biswas. Mr. A.K. Banerjee, ld. counsel for the respondents is also present and heard.

3. Mr. T.K. Biswas submitted that the applicant made a representation to the respondent authorities ventilating his grievances regarding fixation of his pension on 09.08.2018 followed by representation dated 03.09.2018(Annexure A/8 collectively) but received no response from the respondents till date. Mr. Biswas further submitted that the applicant would be satisfied if a direction is given to the Respondent No.3 to consider and dispose of the last representation of the applicant dated 03.09.2018(Annexure A/8) as per rules within a specific time frame.

4. Though no notice has been issued to the respondent authorities, I think it would not be prejudicial to either of the parties, if such prayer of the ld. counsel for the applicant is allowed.

5. Accordingly, the Respondent No.3 i.e. the Financial Advisor & Chief Accounts Officer, North Frontier Railway, Maligaon, Guwahati is directed to consider and dispose of the representation of the applicant dated 03.09.2018(Annexure A/8), if so pending for consideration, as per rules and regulations governing the field within a period of six weeks from the date of receipt of a copy of this order and communicate the result to the applicant forthwith by way of a well reasoned order. It is made clear that no coercive action like recovery will be taken against the applicant till expiry of two weeks from the date of communication of the result (on his representation) to the applicant. After such consideration, if the claim of the applicant is found to be genuine, then the respondent authorities shall grant the consequential benefits to him within a period of six weeks from the date of taking decision in the matter.

6. I have not gone into the merit of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.



7. With the above observations and directions, the O.A is disposed of. No costs.

8. A copy of this order along with paper book be transmitted to Respondent No. 3 by the Registry through speed post for which ld. counsel for the applicants undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for the official respondents.

(A.K Patnaik)
Judicial Member

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