

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

OA No.210/239/2019

Dated this Thursday the 11th day of April, 2019

Coram: Shri R. N. Singh, Member (J).

1. Purshottam Sitaram Nehete,
Aged 61 years, lastly working as
Khalasi at Juinagar Stores at
Juinagar Station under Deputy
Chief Engineer (c), MTP
(Construction), Central Railway,
Opp. Platform No.5, Dadar Mumbai-28
and residing at Krishna-2, Shivshakti
Nagar, B-Cabin Road, Ambarnath,
District Thane-423 501.

...Applicant.

(By Advocate Shri Sai Kumar Ramamurthy).

Versus

1. Union of India through the
General Manager, Central Railway,
Headquarters, CST, Mumbai-1.
2. The Divisional Electrical Engineer
(Construction), Office of Deputy
CEE (c), MTP, Dadar, Central
Railway, Opp. Platform No.5,
Dadar, Mumbai-28.
3. The Deputy Chief Electrical
Engineer (c), MTP, Central
Railway, Opp. Platform 5,
Dadar, Mumbai-28.

... Respondents.

ORDER (O R A L)

Present.

1. Shri Sai Kumar Ramamurthy, learned counsel
for the applicant. Heard him.
2. The applicant in the present OA has filed

this OA under Section 19 of the Administrative Tribunal's Act, 1985 being aggrieved of the action of the respondents in not releasing his retiral dues including GPF, gratuity, pension, commutation value of pension etc. inspite of their order dated 28.06.2018 (Annexure A-3), passed by the Appellate Authority. The operative portion of the order dated 28.06.2015 reads as; "In view of the above I hereby amend the Order of penalty as under: Compulsory Retirement with effect from 28.03.2018 with full retirement benefits except withholding of leave salary."

3. The learned counsel for the applicant invites my attention to the letter/order dated 12.07.2018 (Annexure A-4) which has been issued by the Deputy CEE(C)'s office to the Deputy CPO(C)/CSTM and operative portion of the letter/order reads as under:-

"Now the DAR procedure is over and the employees have already been retired, therefore Settlement papers of the employees have to be prepared and processed as per DAR action taken.

Since this matter is within the preview of Personnel Dept., it is requested to kindly to confirm that the procedures adopted by this office for DAR action are in order and

settlement papers of the employees can be processed with all retirement and pensionary benefits except withholding of leave salary.

Settlement papers will be prepared and processed on confirmation in this regard from your office."

4. The learned counsel for the applicant submits that inspite of lapse of around six months of their aforesaid letter/order dated 28.06.2018 the respondents have not released the retiral benefits to the applicant as admissible under the rules and therefore the applicant has preferred representation dated 14.02.2019 (Annexure A-6) and till today no remedial action has been taken by the respondents in the matter.

5. The learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of at this stage itself with directions to the respondents to consider the aforesaid pending representation dated 14.02.2019 of the applicant and dispose of the same by passing appropriate order thereon and communicate the same in time bound manner.

6. In the aforesaid facts and circumstances, the OA is disposed of with directions to the

respondents to consider the aforesaid representation dated 14.02.2019 of the applicant and dispose of the same by passing a reasoned and speaking order and communicate the same to the applicant within eight weeks from the date of receipt of certified copy of this order.

7. No order as to costs.

(R. N. Singh)
Member (J)

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