

24.9

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
CALCUTTA

O. A. No. 350/ 00 839 of 2019

IN THE MATTER OF:

SUBASH CHANDRA BISWAS, son of Late
Birendra Nath Biswas, aged about
years, residing at Village and Post Office-
Chouhata, P.S. Haroa, Pin-743425 and
presently residing at Village- Kanjyappara,
P.O. Rajharhat, Sima Abasan, 3rd Floor,
404ID, Kolkata- 700135 and retired from
service on 30th September, 2012 while
working to the post of OS Grade-II in
Eastern Railway, Sealdah Division.

...Applicant

-Versus-

1. **UNION OF INDIA** service through the
General Manager, Eastern Railway,
Kolkata, 17, N.S. Road, Fairlie Place,
Kolkata- 700001..

2. **THE DIVISIONAL RAILWAY
MANAGER**, Eastern Railway, Sealdah



Division, DRM Building, Kaiser Street,
Kolkata - 700014.

3. THE SENIOR DIVISIONAL
PERSONNEL OFFICER, Eastern
Railway, Sealdah Division, Kaiser
Street, Kolkata - 700014.

4. THE DEPUTY CHIEF MATERIALS
MANAGER, Eastern Railway, Halisahar
Stores Depot, P.O. Kanchrapara, 24-
Parganas (North) - 743145.

5. THE DISTRICT CONTROLLER OF
STORES, Eastern Railway,
Kanchrapara, 24-Parganas (North),
743145.

...Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/839/2019

Date of Order: 24.09.2019

Coram: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihsial, Administrative Member

Subash Chandra Biswas ---Applicant

Versus

Union of India & Ors. ---Respondents

For the Applicant (s): Mr. P.C.Das, Ms. T.Maity, Counsel

For the Respondent(s): Mr. K.N.Bhattacharyya, Counsel

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

Heard Mr. P.C.Das, Ld. Counsel for the applicant, and Mr. K.N.Bhattacharyya, Ld. Counsel for the respondents.

2. The issue before us to decide is as to the payment of the retirement benefits. Brief facts of the case are as under:

The applicant, while working as O.S., retired from service on superannuation on 30.09.2012. Pursuant to an FIR, a criminal case, i.e. GR Case No. 2472/2000, was initiated before the Ld. Court of Judicial Magistrate, 4th Court, Barrackpore. However, subsequently, he was found not guilty. Thereafter, the applicant preferred representation on 27.09.2016 for disbursing pending settlement dues and fixation of his pension by granting promotional benefit.

Ld. Counsel for the applicant, in course of hearing, drew our attention to Annexure-A/14, i.e. Office Order No. 16/E dated 01.02.2019, issued by the Dy.

Chief Materials Manager, Eastern Railway, Halisahar, on the subject of fixation of pay on promotion after finalization of pending criminal case. The Department mentioned in the letter, which contained as hereunder:

"Arrear bill for the period from 25.07.2001 to 08.06.2002 is to be prepared by this office and to be sent to Sr. DPO/ER/SDAH after vetting by local accounts for payment."

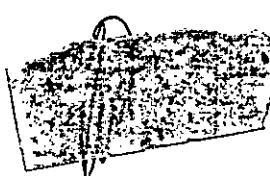
3. We find from the record that in the criminal case, i.e. GR Case No. 2472/2000, following orders were passed by the Lt. Court of Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas:

"that the accused persons namely Subas Chandra Biswas being found not guilty of the offence under Section 419/420 of IPC, are acquitted of this case under Section 248(1) of the code of criminal procedure....."

4. The parawise comment received by Lt. Counsel for the respondents was produced before us where the department stated that the payments are under process at DRM/SDAH and will be paid shortly, promotion order of the applicant has already been issued and payment of DCRG is under process in DRM/SDAH. As the letter is under process for finalization of the pension/pensionary benefits, we accordingly direct the respondent authorities to expedite the releasing the pensionary benefits including DCRG as made in their parawise comments but not later than three months.

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


(N. Neihisal)
Member (A)


(Manjula Das)
Member (J)