

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No. 350/01309/2015

Date of Order: 10.09.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

Rabindra Nath Dam, Son of late Sibendra Nath Dam, aged about 66 years, Ex-Director Engineering (All India Radio and Doordarshan, Akashbani Bhavan, 4th floor, Eden Garden, Kolkata-700001), residing at P-6, Mitranagar, Sodepur, PO- Sodepur, P.S Ghola, Dist. North 24 Parganas, Pin- 700110.

.....Applicant

For the Applicant: Mr. T.K.Bhattacharya & Mr.T.K.Biswas, Counsel

-Versus-

1. The Union of India service through the Secretary, Ministry of Information & Broadcasting, 'A' Wing, shastri Bhawan, New Delhi-111001.
2. Chief Executive Officer, Prasar Bharati Board, P.T.I Building, 2nd Floor, Parliament Street, Sansad Marg, New Delhi- 110001.
3. Director General, All India Radio, Akashbani Bhawan, Sansad Marg, New Delhi-110001.
4. Additional Director General (Engineering) All India Radio & Doordarshan, Akashbani Bhawan, 4th floor, Eden Garden, Kolkata-700001.
5. Engineer-in-Chief, Office of the Director General, All India Radio, all India Radio, Akashbani Bhawan, Sansad Marg, New Delhi-110001.
6. Additional Director General Programme (Admn), All India Radio, Akashbani Bhawan, Sansad Marg, New Delhi-110001.

.....Respondents

For the Respondents : Mr. R.Basu, Counsel

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both.

2. This OA has been filed seeking the following reliefs:



a) An order directing the respondents to release the all retirement benefits along with other all service benefits i.e. promotion, increment, up gradation and grade pay with interest because according to letter dated 16.4.2015 all charges against the applicant have been dropped, so that the applicant is entitled to all service benefits and no other alternative is left out of the respondents;

b) And to pass such order or further orders, direction or directions as your Lordship may deem fit and proper for the interest of justice.

3. The Learned Counsel for the Applicant placing reliance on the records would develop his argument that his client was subjected to departmental proceedings before his retirement. However, after his retirement on 28.02.2007, it got transpired that department dropped all the charges as against him. Wherefore, he sought his retiral dues. But there was no response for a long time. However, Annexure-A/6, the communication dated 21st July, 2015 was issued on behalf of the Director General, the Deputy Director (Admn.) (E), Akashwani Bhawan, New Delhi and it would run as stated as under:

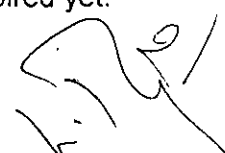
"Please find enclosed a letter received from the advocate of Shri R.N.Dam, Retd. DE vide which he has informed that his clients (Shri R.N.Dam's) retiral benefits have not been released which includes payment of gratuity, final pension, promotional benefit from Junior Administrative Grade, to Senior Administrative Grade, up gradation of pay comparable to IAS officers posted as Additional Secretary under Central Staffing Scheme, all arrears and consequential benefits of revision of pay with an interest of 18% per annum.

2. It is informed that the Ministry of I&B vide their order dated 10.2.2014 along with CVC's advice dated 1.8.2013 have dropped the charges framed against Shri R.N.Dam, DE (Retd.) (copy enclosed).

3. In this regard, PAO, IRLA has been directed to release the pension and other retirement benefits which is due to Shri R.N.Dam vide DG: AIR's communication of even No. dated 5.2.2015.

4. EPM Section is requested to examine the matter pertaining to pay parity of Shri R.N.Dam, DE (Retd.) and take appropriate action accordingly under intimation to SIII Section."

But based on that nothing transpired yet.



The Learned Counsel for the Respondents would submit that recently she received the brief and she is yet to receive instruction in this regard.

4. In wake of this factual matrix, we would like to issue the following direction:

The Respondents/Appropriate authority concerned shall consider the Annexure-A/6 so to say the communication dated 21st July, 2015, referred to supra, and accordingly take a decision and act upon it and communicate net result to the applicant within a period of one month from the date of receipt of a copy of this order.

5. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice G.Rajasuria)
Judicial Member

knm