

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A. No. 132/2019 with MA No.140/2019

This the 25th day of November, 2019

Andra Salam Khant
S/o. of Late Shri Salam Khant
Age about 61 years.
Resident of Village – Palikhanda,
Post- Bhadralla
Taluka- Sehra
District – Panchmahal-389 001. Applicant

(By Advocate : Ms. V.A.Purani)

VERSUS

1. Union of India
Notice to be served through
The General Manager
Western Railway
Churchgate, Mumbai 400020.
2. The Divisional Railway Manager,
Western Railway, Pratapnagar
Baroda 390 004.
3. Assistant Divisional Engineer
Western Railway, Pratapnagar
Baroda 390 004.
4. Assistant Personnel Officer
{Deemed Public Information Officer}
Western Railway, Pratapnagar
Baroda 390 004.
5. Assistant Divisional Engineer
Western Railway,
Godhra (GDA)- 389 001. Respondents.

(By Advocate : Shri M.J.Patel)

ORDER (ORAL)

Per : Hon'ble Shri M.C.Verma, Judicial Member

The applicant is employee of Railway and being aggrieved by non releasing of his retiral dues he has preferred instant OA, pleading that vide Order dated 27.12.2011, penalty of removal from Railway service with immediate effect with all pensionary benefits and gratuity, was inflicted upon him and that though 08 years have passed thereafter but his retiral due has not been given to him. Following prayer has been made in the OA:

“(A) The Hon'ble Tribunal be pleased to declare the impugned inaction on part of the respondents in granting pension and other retiral benefits such as P.F., gratuity, etc. after inflicting the penalty of “removal from services with immediate effect with all pensionary benefits and gratuity” vide Order dated 27.12.2011 by the respondent No.5 and illegally withholding the same since 2012 as illegal, unjust, arbitrary and in violation of Articles 14 & 16 of the Constitution of India.

(B) That Hon'ble Tribunal be pleased to declare that respondents have illegally withheld the pension and other retiral dues such as P.F., gratuity, by not finalizing his final settlement dues.

(C) That Hon'ble Tribunal be pleased to direct the respondents to finalize the pension papers of the applicant and pay all the retiral dues to the applicant including the arrears of pension with 12% interest.

(D) Any other relief this Hon'ble Tribunal deem fit and proper, in interest of justice.”

2. Notice of the OA was issued on 08.04.2019 and was duly served but respondents did not put appearance on record for long and it only on 13.9.2019, when matter was on Board, Shri M.J.Patel, Advocate appeared and informed that he has been instructed by the respondents to appear and conduct their case

that he would file Appearance Memo shortly. The Appearance Memo was filed on 24.09.2019. No reply has yet been filed.

3. Today, learned counsel Shri M.J.Patel comes with suggestion that it would be appropriate that respondent Nos.2& 3 be directed to take decision about retiral dues of the applicant and to make payment of retiral dues, if he is found entitled to. Learned counsel for applicant, Ms. V.A.Purani submits that applicant is bed-ridden and is facing health problem and that proposal put forward by the learned counsel for respondents can be acted upon, if respondents sincerely act to decide about retiral dues of the applicant.

4. Taking note of entirety, the OA stands disposed of with direction to the respondent No.2 to take decision about retiral dues of the applicant and to ensure payment of his retiral dues, to which he is found entitled within four weeks. The decision taken by respondents be communicated to the applicant within two weeks. Applicant, if felt aggrieved by such decision of respondents, he may get revive this OA or may file fresh OA as per legal advice sought.

5. With this direction OA stands disposed of. Pending MA also stands disposed of.

(**M.C.Verma**)
Member (J)

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