

23-02-2021

ct no. 13

Sl.17

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**WPA 2852 of 2020
(Through Video Conference)**

Ganesh Chandra Karan

-Versus-

Union of India & Ors.

**Mr. Dinendra Nath Chatterjee,
Mr. Madhusudan Mandal**

.... For the petitioner

Mr. Pathik Bandhu Banerjee

... for the respondents/railways

Affidavit of service filed by the petitioner in Court today is taken on record.

The petitioner retired from service on 30.12.2010 and his last Pension Payment Order was issued on February 1, 2011. The petitioner claims that there is an error in calculating his last P.P.O. and consequently, lesser payment has been received by him.

He has made a representation for the first time in the year 2017 and subsequently, on January 3, 2020. Since the petitioner's claim arises out of terminal benefits and since he receiving incorrect pension month to month, the principle of delay and laches may not effect the petitioner.

Be that as it may, the respondent no. 5 shall consider and dispose of the petitioner's representation dated January 3, 2020 being Annexure-P/5 to the writ application within a period of 2 months from the date of communication of a copy of this order. The respondent no. 5 shall also be served a copy of the writ application along with a copy of this order.

Let a reasoned order be passed by respondent no. 5 and the same be communicated to the petitioner within 10 days thereof.

With the aforesaid observations, the instant writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)