

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J).

Original Application Number. 321 OF 2003.

ALLAHABAD this the 30<sup>th</sup> day of *September, 2008*.

Kanta Prasad (Ex. Callman), aged about 70 years, Son of Shri Pulice,  
Resident Village Madra, P.O. Jakhaniya, District Ghazipur.

.....Applicant.

**VERSUS**

1. Union of India, through the General Manager, Eastern Railway,  
Netaji Subhash Chandra Bose Road, Kolkata.
2. Divisional Personnel Officer, Eastern Railway, Sealdah Division,  
Sealdah.
3. Senior Divisional Accounts Officer, Eastern Railway, Sealdah. (W.  
Bengal).
4. Finance Officer/Chief Accounts Officer (Pension), Bank Wing,  
Eastern Railway, Netaji Subhash Chandra Bose Road, Kolkata-700  
001.

.....Respondents

Advocate for the applicant:

Sri N.P. Singh.  
Sri C.B. Singh

Advocate for the Respondents :

Smt. Anita Srivastava

**ORDER**

Heard learned counsel for the parties. Perused the pleadings and  
the documents annexed with the O.A.

2. Learned counsel for respondents has brought to my notice letter  
dated 16.12.2005 (Annexure-4 of Short Counter Reply). Reference to the

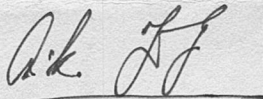


finding of aforesaid letter dated 16.12.2005 has been placed in para 9 of the Short Counter Reply, which reads: -

*"9. That in order to justify the claim of the petitioner, Bank Authority has been advised to arrange payment of commuted value of pension for Rs. 21,088/- to petitioner immediately. In this regard a photocopy of letter dated 16-12-2005 addressed to Sri A.K. Gaur, Advocate, carbon copy to Branch Manager, Union Bank of India, Jakhania Branch, Ghazipur is being filed herewith and marked as Annexure SCR-IV to the instant Short Counter Reply."*

3. It may be noted that the present Original Application was presented and registered on 27.03.2003. From the above it is clear that there has been certain developments and amount in question has been remitted to Union Bank of India, Jakhania Branch, Ghazipur for being disbursed to the applicant.

4. In view of above, the request of learned counsel for the applicant for seeking instruction from his client cannot be entertained now particularly in the circumstances when copy of Short Counter Reply was served upon him on 01.02.2006 and the applicant has not cared to file Rejoinder Reply. It appears that applicant is fully aware that pensionary amount in question has been disbursed upon him. In view of the aforesaid facts, the O.A has been rendered infructuous and it is accordingly dismissed . No costs.

  
MEMBER- J.

/Anand/