

NO
Retirement
dues

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 348/1992

~~E.A. No.~~

DATE OF DECISION 9.9.1992

Naranbhai Shankarbhai Patel, Petitioner

Mr. D.P. Padhya, Advocate for the Petitioner(s)

Versus

Union of India, Respondent

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

Naranbhai Shankarbhai Patel,
residing at Chamunda Mata's
Temple, Mukteshwar Colony,
Post: Vasai, Taluka Kheralu,
Dist: Mehsana.

.... Applicant.

(Advocate: Mr.D.P.Padhya)

Versus.

Union of India, through
The Divisional Rail Manager,
Western Railway, Rajkot Division,
Kothi Compound,
Rajkot.

.... Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL ORDER

O.A. 348/1992

Date: 9.9.1992.

Per: Hon'ble Mr. N.V.Krishnan, Vice Chairman.

Mr. D.P. Padhya for the applicant. At
our request Mr.B.R.Kyada has taken notice of this
application. The application is admitted and
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~~into~~ ^{the} view we take of this ~~the~~ matter, it is being
disposed of at this stage.

2. This is the second round of litigation
by this applicant. He had earlier approached the
Tribunal in O.A. 242/88 which was disposed of by
the Annexure A-5 order dated 11.4.91 directing
the Registry to forward a copy of that order to
the Secretary, Union Ministry of Railways and
Union Ministry of Personnel and Public Grievances
to enable them to look into applicant's case and
to do the needful to redress his grievance

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arising from noncompliance of the order in Civil Suit No. 201/80 of Mehsana.

3. Subsequent to that order, the applicant had been pursuing this matter with the railway authorities. He filed one representation dated 5.9.91, Ann. A-2, addressed to the Divisional Railway Manager, Rajkot. In reply thereto, the applicant has been informed by the Annexure A-1 letter dated 28.8.91 that further action is being taken by the railways in accordance with the Annexure A-5 judgment.

4. The applicant's grievance is that since then, no final reply has been received by him. Hence, he has approached us again with the prayer that the respondents be ordered to pay him the settlement dues on retirement with interest and cost.

5. When the application came for admission, Mr. B.R.Kyada, Advocate entered appearance for the respondents at our request. As the Annexure A-1 representation is stated to be pending, we felt that the application could be disposed of at the admission stage itself with suitable directions. The parties had no objection to this course of action.

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6. Therefore, without waiting for any further reply from the respondents, we dispose of this application with a direction to the Divisional Railway Manager, Rajkot, the respondent, to take further action in continuation of his Annexure A-1 memorandum, as he considers necessary and see that the matter is settled within a period of four months from the date of the receipt of this order. Application is disposed of with this direction. No order as to costs.



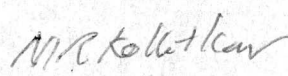

(R.C. Bhatt)
Member (J)



9.8.92
(N.V. Krishnan)
Vice Chairman

vtc.

DATE	OFFICE REPORT	ORDERS.
11.6.93		<p>There is a leave note of Mr. Kyada, learned advocate for the original respondents. Hence the matter is adjourned to 5th July, 1993.</p> <p><i>M.R. Kolhatkar</i> (M.R. Kolhatkar) Member (A)</p> <p><i>R.C. Bhatt</i> (R.C. Bhatt) Member (J)</p> <p>vtc.</p>
5/7/93		<p>Mr. Trivedi for Mr. Padhya for the applicant seeks time to which learned advocate Mr. Kyada for the respondents has no objection.</p> <p>Call on 19/7/93.</p> <p><i>M.R. Kolhatkar</i> (M.R. Kolhatkar) Member (A)</p> <p><i>R.C. Bhatt</i> (R.C. Bhatt) Member (J)</p> <p>SS</p>

DATE	OFFICE REPORT	ORDERS.
19.7.93		<p data-bbox="438 286 1375 922">Mr. D.P.Padhye for the applicant. Mr. B.R.Kyada is present for the respondents. The original respondents have filed M.A. 240/93 for extension of period of four months for complying with the order of the Tribunal in O.A.348/92 decided on 9th September,1992. Even considering the four months extension from 2nd February,1993 sought by the original respondents, the said period is over. Hence this M.A.240/93 has become infructuous and is disposed of accordingly.</p> <p data-bbox="438 971 1375 1669">2. So far M.A.286/93 is concerned, the respondents again on 7th June,1993 filed an application for extension of four months time to implement the order of the Tribunal. It is important to note that the decision was given by this Tribunal on 9th September,1992 and we find absolutely no ground for extension of time. There is no justification at all for the respondents to ask for extension of time on 7th June,1993 for implementing the judgment given on 9th September, 1992. Hence M.A. 286/93 is rejected.</p> <div data-bbox="438 1694 1315 1893"> <div>  (M.R.Kolhatkar) Member(A) </div> <div>  (R.C.Bhatt) Member(J) </div> </div> <p data-bbox="453 1931 529 1981">etc.</p>

DATE	OFFICE REPORT	ORDERS.
197.93		<p data-bbox="435 302 1360 932">Mr. D.P.Padhya for the applicant. Mr. B.R.Kyada is present for the respondents. The original respondents have filed M.A. 240/93 for extension of period of four months for complying with the order of the Tribunal in O.A.348/92 decided on 9th September,1992. Even considering the four months extension from 2nd February,1993 sought by the original respondents, the said period is over. Hence this M.A.240/93 has become infructuous and is disposed of accordingly.</p> <p data-bbox="435 982 1436 1675">2. So far M.A.286/93 is concerned, the respondents again on 7th June,1993 filed an application for extension of four months time to implement the order of the Tribunal. It is important to note that the decision was given by this Tribunal on 9th September,1992 and we find absolutely no ground for extension of time. There is no justification at all for the respondents to ask for extension of time on 7th June,1993 for implementing the judgment given on 9th September, 1992. Hence M.A. 286/93 is rejected.</p> <div data-bbox="435 1827 718 1902" style="display: inline-block; vertical-align: top;"> <p>(M.R.Kolhatkar) Member(A)</p> </div> <div data-bbox="1103 1827 1307 1902" style="display: inline-block; vertical-align: top; margin-left: 200px;"> <p>(R.C.Bhatt) Member(J)</p> </div> <p data-bbox="453 1953 529 1990" style="margin-top: 20px;">etc.</p>