

(V) 8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.26 of 1987

Date of decision : March 30, 1988.

Sri Trinath Patra, aged 60 years,  
son of late Markanda Patra, Retired  
Driver (Grade-A), South Eastern Railway,  
Khurda Road, Dist-Puri (Orissa) at present  
at village/P.O./P.S. Parlakhemundi (Buxisahi)  
Munsifi-Parlakhemundi, District-Ganjam, Orissa.

...

Applicant.

Versus

1. Union of India, represented by-  
General Manager, South Eastern Railway,  
11, Garden Reach Road, Calcutta-43.

2. Assistant Mechanical Engineer, II (Loco),  
South Eastern Railway, Khurda Road,  
Munsifi Khurda, P.O. Jatni, District-  
Puri (Orissa). ... Respondents.

For the applicant : Mr. Ramanath Das, Advocate.

For the Respondents : Mr. Ashok Mohanty, Standing Counsel  
(Railways)

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

---

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.

2. To be referred to the Reporters or not ? No

3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

---

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays that full gratuity for Rs.23,718.75paise be paid to him and furthermore two increments along with Dearness allowance and Additional Dearness allowance as admissible under the Rules be paid to the applicant.

2. Shortly stated, the case of the applicant is that the applicant retired as Railway Driver Grade 'A' on superannuation on 1st July, 1984. On 13th January, 1984 a chargesheet was issued against the applicant alleging that by making false statements he had got an appointment of a particular person claiming the said person to be his own son though infact it was not so. While the proceeding was pending the applicant retired on superannuation and as yet the applicant has not been paid his gratuity money.

3. In their counter, the respondents maintained that the enquiry proceeding had not been finalised and since the President of India is the competent authority to pass necessary orders due to the retirement of the applicant, the President has been moved through proper channel for passing necessary orders which has necessarily taken some time and as soon as the orders are passed by the President, the matter would be disposed of.

4. We have heard Mr. Ramanath Das, learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel for the Railway Administration at some length. We have also perused the Rules and after giving our anxious consideration to the arguments advanced at the Bar we accept the contention of Mr. Mohanty that the President is the competent authority to pass necessary orders in view of the retirement of the applicant

VI

9

while the proceeding was pending. In absence of the orders passed by the President, this Bench cannot interfere. Therefore, we find no merit in the application which stands dismissed leaving the parties to bear their own costs. We would observe that the matter should be finalised within six months from today. Expeditious steps should be taken to give effect to the orders to be passed by the President.

*.....*  
Member (Judicial)  
.....  
30.3.88

B.R.PATEL, VICE-CHAIRMAN,

I agree.



*.....*  
Ranjan  
30.3.88  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
March 30, 1988/S.Sarangi.