

21.9.98

In this disposed of matter Shri D.N.Mishra appearing on behalf of the respondents in the O.A. has filed Misc.Application 531/98, seeking modification of order dated 27.8.1996 disposing of the Original Application. Learned counsel who had appeared in this O.A. on behalf of the petitioner is an outstation Lawyer, to whom copy of the M.A. has been sent by Regd. Post which has been served on him, but he has not appeared. In view of this the matter was fixed to to-day for peremptory hearing of M.A.531/97. To-day learned counsel for the petitioner in O.A. is also absent nor any request has been made on his behalf <sup>for</sup> of an adjournment. In view of this it is not possible to delay the matter any further.

We have heard Shri D.N.Mishra, who has filed M.A.531/98 appearing on behalf of the Respondents. This O.A. was disposed of on the date of admission in order dated 27.8.1996 directing that the applicant should submit a representation to Divisional Railway Manager, S.E.Railway, Khurda Road, within a period of two weeks ventilating his grievances and the D.R.M. shall dispose of the representation within four weeks of filing the same. If the D.R.M. has any cause to withhold the retirement dues he shall give the applicant a reasonable opportunity of being heard and pass a reasoned and speaking order by the time indicated above. In this M.A. it has been submitted by the petitioner-respondent, who was Res.2 in the O.A. that in pursuance of the above direction a representation was filed. For considering the representation, Res.2 directed the applicant to appear before him on 9.1.1997. Though the applicant attended on the date fixed, but that day the matter could not be taken up. Another date was fixed on 30.1.1997. On that day the matter could not be taken as General Manager, S.E.Railway had visited Khurda Road. On 17.3.1997 <sup>one</sup> the petitioner Shri K.C. Mohapatro appeared before Res.2, but he had not brought any document to substantiate that he is the same person who is the petitioner in this O.A. and any document to show that he had been acquitted in the criminal cases mentioned in the M.A. The applicant was given opportunity to appear on 24.3.1997 with those

documents, but on that date he did not appear. Again another date was fixed to 15.12.1997, but he did not appear. In view of this it is submitted in this M.A. that it is not possible to comply with the direction of the Tribunal in giving personal hearing to the applicant. In consideration of the above, it is directed that D.R.M. may fix another date and sent notice to the applicant by Regd.post to appear on that date. It should be made clear in that notice that in case he does not appear on that date with the necessary documents and identification the matter will be disposed of on the basis of materials available on record and on that date if the petitioner does not appear with necessary document then Res.2 will be free to pass appropriate, but reasoned orders on the representation which has been filed by the petitioner..

With the above direction M.A.531/97 is disposed of.

Hand over a copy of the order to Shri D.N.Mishra, learned Standing Counsel and a copy of the order be sent to petitioner by Regd.Post in the address given in the O.A.

VICE-CHAIRMAN  
MEMBER (JUDICIAL)

Copy of order  
may be sent to  
the Counsel for respd  
and a copy of order  
may be sent to the  
applicant by post

24.09.98  
S.O. (5)

24.8.98

Recd C.M.  
25/9/98  
(D. H. M.)