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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 742 OF 1996.

Cuttack this the 23rd of December, 1997.

MOHANI ROUT AND ANOTHER.

....

APPLICANTS.

versus.

UNION OF INDIA & OTHERS.

....

RESPONDENTS.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Somnath Som
(SOMNATH SOM)
VICE - CHAIRMAN
23.12.97

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 742 OF 1996.
CUTTACK THIS THE 23RD DAY OF DECEMBER, 1997.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

.....

1. Mohani Rout, aged about 62 years,
S/o. Hari Rout (Retired Saranga),
At-Tarasa, PO. Jenapur, PS. Dharmasala,
Dist. Jajpur.
2. Shri Krushna Sethi, aged about 61 years,
S/o. Nidhi Sethi (retired Saranga)
At/PO. Chatuapatna, PO. Jenapur,
PO. Dharmasala, Dist. Jajpur.

.... Applicants.

By the legal practitioner : Mr. Niranjan Panda, Advocate.

Versus.

1. Union of India represented by General Manager,
South Eastern Railway, At-Garden Reach,
Calcutta.
2. Chief Project Manager, South Eastern Railway,
Bhubaneswar, Dist. Khurda.
3. District Project Manager/BKSC,
South Eastern Railway, At/PO. Ranchi,
Bihar.
4. Sr. Project Manager, South Eastern Railway,
At/PO. Adra, Ranchi, Bihar.
5. Chief Personnel Officer (Con.)
At/PO. Chandrasekharapur, Bhubaneswar,
Dist. Khurda.

.... Respondents.

By legal practitioner: Mr. D.N. Mishra, Additional Standing Counsel.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:-

In this application, under section 19 of the Administrative Tribunals Act, 1985, the two applicants, who have been permitted to pursue this application, jointly have prayed for retirement pension and gratuity immediately. There is also a prayer that the applicant No.1 should be awarded compensation because of the injury received by him in course of his duty.

2. For the purpose of adjudicating this application, it is not necessary to go into the facts of the case too much except to refer to the counter filed by the Respondents. According to the Respondents, applicant no.1 joined the Railways as Casual Labourer (Khalasi) on 3.7.1972 and became Skilled Sarang from 24.12.1980. He attained temporary status on 1.1.1981 and he was regularised w.e.f. 1.4.1984. He retired from the service w.e.f. 31.1.1994. Applicant No.2 joined as Casual Kahalasi on 4.8.72. He attained temporary status on 1.1.1981 and he was regularised in Gr.D category of posts on 1.4.1988. Applicant No.2 retired on 30.6.1994. From the above recital admitted by the Respondents in their counter, it is seen that both the applicants have put in more than ten years of pensionable service taking 100% of their regular service and 50% of their service with temporary status till their regularisation. As such both the applicants are entitled to pension and gratuity, which, however, have not been paid to them.

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Respondents have stated that the reason why the pension and gratuity has not been paid is that the applicants have not submitted the pension papers alongwith details of their family members, nomination, option for commutation of pension, photo etc. It is submitted by the learned counsel for the applicants that even though they have submitted these documents more than once, no action has been taken and the documents must have been mis-placed. In any case, it has been submitted in the counter that in the meantime, after filing of the Original Application, the applicants have furnished all the necessary documents. Their cases for payment of Pension and gratuity have been processed and sent to the Accounts Section on 27.9.1997. Considering the fact that the two applicants have retired in the year 1994, the Accounts Department should have authorised payment by now. In consideration of the above, it is ordered that the pension and gratuity, admissible to these two applicants, should be paid to them within a period of 30 days from the date of receipt of a copy of this order failing which interest is allowed at the rate of 12 per cent from the date beyond the period of 30 days till the date of actual payment is made.

3. There is also another prayer for payment of compensation to the applicant No.1 for the injury received by him in course of his duty. The Tribunal is not the forum to adjudicate on this aspect. The petitioner, may, if so advised, pursue this prayer at the appropriate forum.

4. With the above orders and directions, the

Domestic Court
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Original Application is disposed of. There would be no order as to costs.

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(SOMNATH SOM)
VICE-CHAIRMAN
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KNM/CM.