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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 582 of 1998
Cuttack this the 5th day of February, 1999

Duryodhan Mohanty ... Applicant

-versus-

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

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

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath S. Som
VICE-CHAIRMAN
5.2.99

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

Original Application No.582 of 1998
Cuttack this the 5th day of February, 1999

C O R A M:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

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Duryodhan Mohanty, aged about
60 years, S/o. Late Sadasiv Mohanty
At/PO: Nadhara, Via:Hindol Road (R.S)
P.S. Motanga, Dist:Dhenkanal

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By the Advocates

Applicant
M/s. K.K. Swain
P.N.Mohanty
M.R.Nayak
B.B.Mohanty

-Versus-

1. Union of India represented through its General Manager, South Eastern Railway, Garden Reach, Calcutta-43
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Orissa
3. Senior (Divisional Personnel Officer) South Eastern Railway, Khurda Road, Orissa
4. Permanent Way Inspector (PWI) Gorakhnath, At. Gorakhnath Dist:Jagatsinghpur

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By the Advocate

Respondents

Mr. D. N. Mishra,
Standing Counsel
(Railway Administration)

O R D E R

MR .SOMNATH SOM, VICE-CHAIRMAN:

In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner, who has retired as a Mate under P.W.I., Gorakhnath on 1.7.1997 has prayed for payment of retiral benefits along with 12% interest.

2. In this case on the last date, i.e. on 18.12.1998, learned Standing Counsel Shri D.N.Mishra appearing for the respondents submitted that he will file counter within four weeks and the matter may be listed for final disposal at the admission stage. It was submitted by the learned counsel for the petitioner that as the applicant had retired more than one year ago, his pension matter should be settled early and in view of this the matter was fixed peremptorily to to-day. To-day on the matter being called, it is noticed that no counter has been filed by the respondents. Learned Standing Counsel appearing for the respondents wanted further two weeks' time to file counter. As the matter has been fixed to to-day peremptorily, and the matter relates to retiral benefits of a retired employee, no further time can be allowed to respondents for filing counter, and therefore, the matter is taken up for adjudication. From Annexure-1 it appears that the applicant was confirmed on 13.5.1965 and he has, on his own submission retired on 31.6.1997, but ~~not retiral~~ benefits have been paid to him. As the applicant has put in more than 10 years of confirmed service from 1965 to 1997, he is entitled to

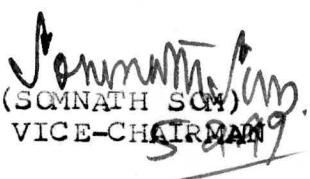
S.Som

pension according to Railway Service(Pension) Rules, 1993. In view of this respondents are directed to determine and release pension to the applicant within a period of 90 days from the date of receipt of copies of this order. The above order is subject to the condition that the applicant has in the meantime submitted all his pension papers ~~in~~ complete in all respect. As regards gratuity and commutation of leave, the same should be sanctioned and released to the applicant within a period of 120 days from the date of receipt of copies of this order strictly in accordance with rules.

3. The petitioner has also asked for interest. But as in this case counter has not been filed, it is not possible for us to determine whether the delay has occasioned wilfully in order to harrass the applicant by the departmental authorities. In view of this we are not inclined to pass any orders on the prayer for ~~grant of~~ interest. Original Application is disposed of as above, but without any order as to costs.


(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO


(SOMNATH SOW)
VICE-CHAIRMAN