

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not

filed

Pat 15/8

Remr

Dt. 18.8.2000

Due to Orissa

Banph the Advocates are obtained from Court work. Posted to 18.8.2000 for rejoinder.

*[Signature]*  
11/8/2000  
**REGISTRAR**

Rejoinder not

filed

Pat 17/8

Register

Dt. 18.8.2000

Both the applicant and his counsel are absent on call. No steps have been taken for filing rejoinder. Put up to Bench.

*[Signature]*  
18/8/2000  
**REGISTRAR**

Rejoinder not

filed

Pat 20/8

For further

Orders

Pat 20/9

Bench

13. ORDER DATED 29-11-2000.

The matter has been fixed today for peremptory hearing.

Learned counsel for the applicant and his associates are absent. No request has also been made on their behalf seeking adjournment. As this matter relates to the pensionary benefits of a retired employee, it is not possible to drag on the matter indefinitely. We have therefore, heard Mr. S. R. Patnaik, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

In this Original Application the applicant has prayed for a direction to the Respondents to take her qualifying service for pension as 33 years, 11 months and 23 days and for a further direction for releasing other dues to which the applicant is entitled to taking into account her qualifying service for pension as 33 years, 11 months and 23 days. She has also asked for interest.

Respondents have filed counter opposing the prayers of the applicant.

For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. The admitted position is that the applicant joined in the service of railways as a Staff nurse in 1964 and retired on 31-12-1997 as Metron Gr. II. While calculating her pension, her pensionable service has been taken as 30 years, 8 months and 24 days rounded off to 30 years and 6 months whereas the applicant states that her service is from 3.1.1964 to 31.12.97 i.e. for 33 years, 11 months and 23 days. Respondents have pointed out that out of this period, the applicant

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GA-112997

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder  
not filed.  
Pat Berek  
23/1x

or no 11 may be

Rejoinder not filed  
date 7.11.2000

For civil

1  
6.11.2000 nl

For admission

Pat Berek  
28/11

Free copy  
of the order  
dt 29.11.2000  
given to the  
both counsel

Pat  
5/12 KMW/CM.

Agg  
S-O

was away from her duties from 22-12-1976 to 31-12-1976 and again from 20.6.1977 to 25-12-1980 without intimation to her authorities. Out of long unauthorised absence of 120 days from 20.6.77 to 17.10.1977 was regularised by sanctioning her leave with average pay and rest of the periods from 18.10.1977 to 25.12.1980 has been regularised as leave without pay. Obviously, therefore, the period for which leave without pay has been sanctioned to her can not be counted towards her pensionable service. Moreover, these leaves must have been sanctioned to her long ago and the applicant has come up only in 1999 for counting this period. As this period has been treated as leave without pay, this period has been rightly excluded for the purpose of qualifying service for pensionable. Respondents have stated in their counter, which has not been denied by the applicant by filing any rejoinder that pension and all other retirement dues have already been paid to her. In view of this, we hold that the this Original Application is without any merit and is accordingly rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN