

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Disposed matters

For consideration of
M.A. 94/2002 and
M.A. 95/2002 - Counter
to M.As not filed.

2. Copy of counter
to M.A. served on
11.2.02 as per
memo of receipt
feted.

25/2/02 Bench

Disposed matters

For consideration
of M.A. 94/2002 and
M.A. 95/2002, stranded
for further orders.

25/2/02 Bench

order dated 26.02.02.

call on 27.02.02.

M.A. 94/02 and 95/02 to lie over.

J
Member (J).

ORDER DATED 27-2-2002. M.A. Nos. 94 & 95 of 2002

Applicant, who faced retirement from Govt. service on 30th April, 1997, approached this Tribunal on 03.05.2000 seeking a direction to the Respondents to disburse his gratuity and other consequential benefits. Because of a disciplinary proceedings initiated against him, just few days before completion of 4th year of his retirement, the gratuity has not been released to him and in the said premises, after perusal of the Original Application and the counter filed by the Respondents, Division Bench of this Tribunal on 6.8.2001 disposed of this case after observing that the payment of gratuity has to wait till finalisation of the disciplinary proceedings initiated against the applicant.

By filing the present M.As, the Advocate for the Applicant has drawn my attention to the fact that before disposal of the case, a copy of the counter filed by the Respondents was not served on him. On the direction of the Tribunal a copy of the counter was served on Mr. Samantray, Advocate for the applicant and this Tribunal gave him opportunity to go through the same and address the same which he did. Virtually opportunity was given to Mr. Samantray for the Applt. to substantiate as to whether there could have

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Free copies of order H.27.2.02 issued to counsel for both sides.

DS
4/3/02

Regd
S.O.T)

been any other conclusion by the Division Bench than what has been recorded in order dated 6.8.2001. Having given him a full ~~stress~~ hearing, I am satisfied that there could not have been a different conclusion than what has been recorded on 6.8. 2001 in this case.

Mr. Samantray draws my attention to several factual averments and observations in our order dated 06.08.2001 touching the merit of the disciplinary proceedings, which is pending. He is of the view that these observations in the order dated 6.8.2001 of this Tribunal rendered in the present case may prejudicially affect ^{the Applicant} him in the disciplinary proceedings or the observations made therein may influence the enquiry/ disciplinary Authority.

I have heard Ms. Sikkdar on this aspect of the matter and given my anxious consideration to the rival stand. In all it is directed that fairness, the findings/observations/comments made in order dated 6.8.2001 in this case (touching the factual aspects involved in the disciplinary proceedings pending against the applicant) should not be utilised ^{against the Applicant} in the said disciplinary proceedings.

With the above observations/directions/ clarifications the two MAS are disposed of.

Jabaul
27.02.2002
Member (Judicial)