

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 31-3-2001.

When the matter was called for hearing, Shri P.K. Parida, learned counsel for the applicant wanted an adjournment. As we never grant adjournment when the matter is called for hearing and adjournments have to be asked for only at the mention time at 10.30 A.M. prayer for adjournment is rejected and the matter is taken up for hearing. It is submitted by Shri Parida, learned counsel that he is unable to make his submission with regard to this case. We have therefore, heard Shri SR Patnaik, learned Additional Standing Counsel for the Respondents and have also perused the records.

In this Original Application the applicant has prayed that dues of his late father i.e. DCRG, and Provident fund should be paid to him with 12 % interest.

Respondents have filed counter opposing the prayer of applicant.

No rejoinder has been filed.

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 father of the petitioner **late** Deenabandhu Patra passed away on 8.11.1980 when he was working as Cabin Lever Man (in short CLM) Gr. II. Admittedly, at the time of death of his father, the applicant was a minor. There is some controversy as to what was the age of the applicant at the time of the death of his father but this aspect is not necessary to be considered for the purpose of considering the prayer of applicant. It is the

1. Counter filed by R-3. Copy not served.

2. Counter not filed by R-1 and 2

8/3/01 Bench

1. Copy of counter of R-3 not served.

2. Counter not filed by R-1 and 2

15/4/01 Bench

Prayer may be allowed

1. Counter by R-1 and 2 not filed.

1. Copy of counter of R-2 not filed.

11. ad SR 124/2001

For and

124/2001

124

S. Som.

For appearance of petitioner's counsel and to receive copy of counter.

22/4/01

Bench

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed

12
20/6/01

Bench

Rejoinder not filed

12
20/7/01

Bench

For Admission

12
30/9/01

Bench

J. J. J.

admitted position that the mother of the applicant passed away prior to the death of his father. Respondents in their counter have stated that the family pension was sanctioned to the surviving family members who are entitled to the same in order dated 24.9.81 originally at a higher rate of Rs.125/-pm and later on reduced to the level of Rs.74/-pm. In any case in the present application prayer of the applicant is only with regard to payment of DCRG and Provident fund. Respondents have stated in their counter which has not been denied by the applicant by filing any rejoinder that the father-in-law of the deceased Railway employee i.e. the maternal grand father of the present applicant one Dhiraj Singh who was a retired railway employee was acting as the guardian of the minor family member and provident fund of Rs.3590/- was released on 21.8.1981. As regards gratuity Respondents have stated that the entitlement of gratuity was for an amount of Rs.4014.77p deducting the Railway dues of Rs.1016.87p recoverable from the railway employee, the balance amount of Rs.2997.90p has been released in order dated 6.5.1987 after Dhiraj Singh, the maternal grand father of applicant did the necessary documentation for receiving the amounts. These averments have not been denied by filing any rejoinder. In view of this, we hold that the amount of DCRG and Gratuity had already been released by the Railway Authority. The prayer of applicant to get the same is therefore held to be without any merit and is ~~rejected~~

OA-354/2000

rejected.

In the result, therefore, the OA is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
31/8/2001

KNM/CM.

Case records
received
on 10.9.01

Free copies of
final order
dt. 31.8.2001
issued to counsel
for both sides.

10/9/01

S.O.C.