

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter not filed.

Registrar

17/12/2001

DT. 6.7.2001

The learned ASC for respondents prays for time to file counter. Heard. Prayer allowed. Time granted till 1.8.2001 for counter as Last chance.

REGISTRAR

Counter not filed.

Registrar

17/12/2001

Ld. Counsel for the applicant cont. No steps taken by Respondents to file counter although last chance is over.

Put up before the Bench for further order.

REGISTRAR

Counter not filed.

17/12/2001

Bench

Order dated 12.12.01

Learned counsel for the petitioner has filed a Memo of for fixing an early date of hearing. In view of this, postponed to 4.1.02 for final disposal at the admission stage.

Order dated 4.1.2002

Vice-Chairman
WJD/H
Member

Order dated 4.1.02

At the request made by Shri P.K. Mishra that learned counsel on behalf of Shri R.C. Das, who is stated to have been inconveniently placed, adjourned to 7.1.02.

Vice-Chairman
WJD/H

ORDER DT. 7-1-2002.

Heard Shri P.C. Das, learned counsel for the applicant and Shri S. Behera, Learned ASC for the Respondents and have also perused the records.

In this OA, the applicant has prayed for a direction to the Respondents to pay the applicant his GPF, PLI, arrear subsistence Allowance and arrear half pay salary with interest admissible.

Respondents have filed counter opposing ~~the~~ some of the prayers of applicant. No rejoinder has been filed.

For the purpose of considering the petition it is not necessary to go into too many facts of this case. The admitted position is that the applicant was appointed on compassionate ground in Gr.D cadre in Cuttack

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

4
Consider not filed.BenchM
21/9/01

Consider not filed.

BenchM
6/11/01

Consider filed. Copy served. For further orders.

BenchM
11/12/01

For admission and hearing.

BenchM
3/1/02

J. J. M.

North Postal Division in order dated 5.3.1987 (Annexure-1/B) and was posted as Gr. D runner. Because of his arrest and lodging in custody since 2.9.1989 in a Crl. case he was placed under suspension in order dated 20.9.89 (Annexure-2). From Annexure-3 it appears that his suspension order was revoked in order dated 11-12-1989. Applicant has stated that he was convicted in a Crl. case and his appeal was rejected by the Hon'ble High Court and he was sentenced for imprisonment for eight years. The applicant has stated that his services were never terminated or he was never removed from service and therefore, he must be deemed to have been placed under suspension. Applicant has further stated that ^{as} he has been convicted in a criminal case and undergone imprisonment. ~~he~~ does not want to get back his service but ^{as} he is entitled to subsistence Allowance, arrear salary and other benefits etc. as mentioned above.

Respondents in their counter have stated that the petitioner applied for leave on 3.4.1992 alongwith medical certificate for a period of 30 days. On expiry of his leave he did not join service and several letters were written to him directing him to come back to his duty. Ultimately, a letter was sent through Regd. Post to the applicant was received back by Res. No. 4 from which it was noticed that the applicant is in Chowdwar Jail. Respondents have not denied the averments of the applicant that no action was taken to remove the

applicant from service. They have taken the stand that the applicant after being released from jail ~~had~~ never approached the Departmental Authorities to the reliefs claimed by him in this O.A. and has straightaway approached the Tribunal and as such, the OA is not maintainable.

We have heard learned counsel for both sides.

Applicant has averred in para 4.6 of the OA that he has been approaching his authorities for several occasions to release his service benefits. I am not prepared to accept the above proposition because obviously the applicant had not submitted any written representation pointing out his grievance before the Departmental Authorities. In view of this, the OA is obviously not maintainable. But in consideration of the pleadings of the parties, I dispose of this OA with a direction to the applicant to file a representation stating his grievance to the Departmental Authorities within a period of 30 days from the date of receipt of a copy of this order.

For copy of order The Departmental Authorities, the present Respondents H.7.1.02 ~~assured~~ particularly Respondent No. 3 is directed to dispose of the *to the concerned* representation within 120 days from the date of receipt *for both side* of the same and intimate the result thereof to the

Argy
S.O. applicant within 15 days thereafter. *S. J. M.* make it clear that in case after the orders are passed on the representation of the applicant, the applicant has any grievance then he will be free to approach this Tribunal.

With the above directions the OA is disposed of. No costs.

SOMNATH S. M.
SOMNATH S. M.
VICE-CHAIRMAN

KNM/C M.