

ORDERS OF THE TRIBUNAL

NOTES OF THE REGISTRY

Unserved

1) Notice returned ~~to~~
to Govt. R.G with
a postal remarks *
"Addressee always
absent" in this
regard notice issued
to the petitioner
counsel but no steps
has been taken to
service or notice
on R.G.

2) Counter not filed
by R. 2 & 4.

3) Appearance not filed
by R. 1, 3 & 5.

BenchDy
10/10/09

1) Counter not filed.

2) Correct address of
R.G not filed.

BenchDy
9/11/09

JAM

1) Counter not filed.

2) Correct address of R.G
not filed.

BenchDy
13/12/09Order dated 15.1.2002

Heard Shri N.R.Routray, learned counsel
for the petitioner and Shri R.C.Rath, learned
Addl. Standing Counsel representing Res. 1 and 2
and Shri D.N.Mishra, learned Standing Counsel
representing Res. 4 and perused the pleadings.
not
In this case respondents have filed their counter
in spite of several adjournments. Learned counsel
for the petitioner has filed a Memo for disposal
of this O.A. even in the absence of counter, in
the light of the averments made in the M.A.
JAM

Applicant's case is that, while working
Chowkidar under Divisional Railway Manager, S.E.
Railway, Khurda Road (Res.2), he retired on
superannuation on 31.7.2000. While in service
he was in occupation of the Railway quarters
bearing No. E/31(B)/B. Applicant has received
all his retirement benefits except D.C.R.G.
His case is that he had shifted all his belongings
from the railway quarters in order to get
Quarters Clearance Certificate from the
appropriate authority. Taking advantage of this
one Shri Binod Jena, R.P.F. Constable forcibly
occupied that quarters and because of this no
Quarters Clearance Certificate was obtained by
him and his D.C.R.G. was held up. Applicant
did bring this fact to the notice of the
departmental authorities, but without any result.
Ultimately he filed F.I.R. on 30.10.2000 (Annexure-
3) with the Superintendent of Railway Police,
Cuttack bringing this fact to his notice and
also praying for necessary action as per law.

As earlier noted, respondents have not filed

5
NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

1) For admission & hearing on Memo.
2) Counter not filed.
3) Correct address of R.B. not filed.

Bench

MR
10/1/02

For hearing on
admission.

Rath Bench
10/11

J. J. M.

their counter. In the Memo filed subsequently by the petitioner, he has enclosed an order dated 10.11.2001 issued by the Section Engineer (works) W.E.Railway, Cuttack stating that the applicant has vacated the quarters in question on 3.11.2001. It is submitted by the learned counsel that on the basis of this document dated 10.11.2001 the date of vacation of quarters by the applicant may be taken as 3.11.2001, as mentioned in the said document and accordingly respondents be directed to clear his D.C.R.G. after deducting the dues, as per rules, for occupation of the quarters till 3.11.2001. It is submitted by both Shri Mishra and Rath that as they have not filed any counter and as the document dated 10.11.2001 has been filed along with the Memo subsequent to filing of the O.A. they are not in a position to indicate if this document is a genuine one or not.

I have considered the submissions of learned counsel for the parties carefully. Applicant has retired on 31.7.2000 and his D.C.R.G., as per his averment in the O.A. has not yet been paid. In consideration this fact, the O.A. is disposed of with a direction to respondents that in case letter dated 11.10.2001 is a genuine one, then the D.C.R.G. of the applicant be paid to him within a period of 45(fourty-five) days from the date of receipt of copy of this order, after taking notice of the fact that the applicant has vacated the railway quarters on 3.11.2001. As mentioned in the said document, For occupation of the

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

6
Free copies of final
order dt. 15.1.02 issued
to counsel for
both sides.

DS
16/1/02

S.O (D)

R.A.G.
141

quarters from the date of retirement till
3.11.2001, the railway dues, as per rules,
be recovered from his D.C.R.G.

The O.A. is disposed of with the
above direction, but without any order as to
costs.

S. P. Venkateshwaran
VICE CHAIRMAN
15.1.2002