

NOTES OF THE REGISTRY

Df. 12.1.2001

Shri C. R. Mishra, 1st Counsel
files Application for R-2 and
prays for time to file counter.

Hearof. A.O.S back after service
from R-1 and R-3. They are
absent on call. No steps taken
by them to file counter. Call
05.12.2001 for counter

REGISTRAR

Counter not

b71-2

4/12

5-12-2001.

1st Counsel for R-2 prays
for time to file counter.
Hd. 1. Time granted till
2-1-2002 for
counter.

A.O.S back after service
from R-1 and R-3. They are
absent on call. No steps taken
by them to file counter.

REGISTRAR

ORDERS OF THE TRIBUNAL

05. ORDER DATED 18-01-2002.

In the present Original Application,
one of the grievances of the Applicant is
that his application for voluntary retirement,
under Annexure-1, dated 20th February, 2001
has not been considered. In the counter filed
by the Respondents/Railways, none receipt of
the said document, under Annexure-1, has been
disclosed with the following words:—

.....The Respondents have never
received any application for
voluntary retirement as stated by
the applicant vide Annexure-1 to
the O.A. otherwise voluntary
retirement could have been accepted
without any problem as it was
considered in case of other persons."

(emphasis supplied)

In the aforesaid letter, under
Annexure-1, Applicant prayed to take voluntary
retirement, on health ground, with effect from
31-3-2001. Mr. Mishra for the Railways states
that the Applicant has not reported to duty,
neither at Keonjhar nor at Visakhapatnam, since
May, 2001. Apparently, Applicant, being sick, has
not been able to report to duty at either of
the places.

Having heard Mr. Sarangi, learned
Counsel for the Applicant and Mr. Mishra for the
Respondents/Railways and on perusal of the
materials placed on record, the Respondents are,
hereby, directed to take into consideration the
document as has been filed in this OA, at
Annexure-1, as a notice for voluntary retirement
(without insisting on the production of the

8/12/2001

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

counter not
filled.

11/11/02 Registrar

2-1-2002

The Respondents are
absent on call. No steps
taken by them to file counter
put up before the Bench for
further order.

2-1-2002

REGISTRAR

Ref: Registrar Court's
Or. At. 2-1-02

counter not filed.

DS 1-2-02 Bench

counter not
filled. After the date of filing
order for order.

14/3 Bench

counter not
filled.

for order
on one or
more days.

16/4 Bench

the original or the same) within a period of 30 days hence and pass necessary orders thereon within the same time. In the event the Respondents accept the notice, then the Applicant should be allowed to go on retirement w.e.f. 31.3.2001 and, in that event, he should not insist wages/salaries for the periods after 31.3.2001 and in that event, he should be paid pensionary benefits w.e.f. 1.4.2001. The wages/salaries, if any, he has already received after that date, should be adjusted appropriately.

With the above observations and directions, the OA is allowed. No costs.

Manoranjan Mohanty
18/04/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)