

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Counter has not  
been filed

Regd

Order dt. 09.09.04

Parties are absent on call. No steps taken by the Respondents to file Counter even after awaiting several chances. No further time can be granted for filing of Counter.

Done  
9/9/04

REGISTRAR

for Hearing.

Counter not filed.

Regd

for Hearing.  
(Counter filed, copy sent to the petitioner by post, copy enclosed).

3/13

Regd

Order dated 09.03.2005

At the request of the Counsel for the applicant seeking an adjournment the matter is adjourned to 07.03.2005.

Mr. Chairman.

Order dated 7.3.05

None appears for the applicant nor the applicant is present in person when called; nor there is any formal request for adjournment when the matter was called. However Mr. S. L. Pattnaik, Ld. Counsel for the Respondents is present and heard.

In this O.A. the applicant, Sri Lakhan, has prayed for the direction to be issued to the Respondents to release the pension and all pensionary benefits to the applicant within a stipulated time and also to pass an order to release an amount of Rs. 63,408/- (Annexure-A/6) in favour of the applicant as due and admissible to him, at an early date.

I have perused the records placed before me with the aid and assistance of Ms. S. L. Pattnaik, Ld. Counsel for the Respondents.

The facts of the case are that Shri Lakhan's S/o. Haly, date of birth undisputedly is 13.1.42 and was engaged by the Respondents Department as Casual Labour with effect from 11.6.93 and regularised with effect from 10.3.95 vide office order on 6.3.95. He was placed in the scale of pay of Rs. 2610-3540 and his rate of basic pay was Rs. 3030 on the date of retirement which took place on 31.1.03.

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order at. 3.8.2004

Learned Counsel for the applicant is present. At the request of Ld. A.S.C, time is granted as a last chance till 17.8.04 for filing counter.

  
17/8/04  
REGISTRAR

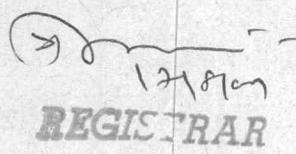
Counter not filed.

17/8

Regd.

Dt. 17.8.04

The learned Counsel for Respondents prays for time to file counter. Time allotted till 27.8.04 for counter.

  
17/8/04  
REGISTRAR

Counter not filed.

17/8

Regd.

Order. dt. 27.08.04

Ld. Counsel for the applicant is present. Ld. A.S.C is on accommodation. Call this matter on 9.9.04 for hearing of counter.

  
27/8/04  
REGISTRAR

Copies of order dated 7.3.05 prepared for both side counsels.

17/8

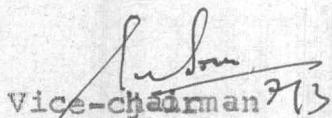
W  
27/8/04  
S. (P)

The Respondents by filing a detailed counter (no rejoinder has been filed by the applicant) has submitted that before his retirement he had pensionable service of 9 years including 50 percent of the service he had as casual service with temporary status. As his total length of service fell below 10 years, he was entitled to only service gratuity and DCRG on account of which the sanction ~~off pay~~ to the tune of Rs. 63,408/- was issued by the Sr. Divisional Finance Manager, South Eastern Railway on date nil at Annexure-A/6. It has been submitted by the Respondents that the same amount has been actually paid to the applicant.

In view of the above facts of the case the second prayer of the applicant that the Respondents should be directed to effect the payment of Rs. 63,408/- to him has already been complied with.

As he has been accepted service gratuity and DCRG, the question of considering his case for payment of superannuation pension does not arise and accordingly the first prayer made by the applicant is mis-conceived.

Having regard to the above facts of the case nothing survives in this O.A. for further adjudication which is accordingly disposed of. No costs.

  
Vice-Chairman 27/8