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**O.A.No. 1100 of 2004**

**Order dated: 28.06.2006**

None appeared for the Applicant. Heard Mr. O.N.Ghosh, Learned Additional Standing Counsel for the Railways and perused the materials placed on record.

In this Original Application filed under section 19 of the Administrative Tribunals Act, 1985 the Applicant has prayed the following relief(s):-:

“that this Hon’ble Bench may be pleased to pass an order in favour of the Applicant against the Respondents directing the Respondents to grant the death cum Retirement Benefits of the Applicant payable to the Applicant by the Respondents according to the Railway Servants Retirement Rules.”

By filing counter, the Respondents have disclosed that P.F., Leave Salary and C.G.E.G.I.S. have been passed in favour of the Applicant. It has further been disclosed by the Respondents that provisional DCRG amount has already been released in favour of the Applicant and final payment of

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DCRG amount will be made after getting the approval of the competent authority i.e. President of India on the question of unauthorized absence of the Applicant from 29.06.1994 to 30.06.2003.

By filing Rejoinder the Applicant has sought for the following new relief(s):-

“to pay the voluntary retirement benefits i.e., Pension and Service Gratuity of the Applicant to the Applicant with an interest of 12% per annum with effect from the date of voluntary retirement of the Applicant on the arrears of amount payable to the Applicant.”

Law is well settled that the parties are not entitled to add any new facts in the rejoinder; nor can claim any benefits which are not available on record. Therefore, I am not inclined to take into consideration the new facts/prayers made in the rejoinder by the Applicant.

As the Respondents have already released the provisional DCRG amount in favour of the Applicant and as disclosed, have taken steps for getting the approval of the President of India, no further direction need be required to be passed in this Original Application. Since the Applicant is a

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retired employee of the Railways, I hope the Respondents  
would take all possible step to settle the matter at an early date.

In the result, this Original Application stands  
disposed of with the observations made above. There shall be  
no order as to costs.

Send a copies of this Order to the Applicant  
in the address given in the Original.

13/3/1971  
Member (Admn.)