

Notes of the Registry

Orders of the Tribunal

Order dated : 24.10.05

Heard Mr. B.B. Mishra, Id. Counsel appearing for the Applicant and Mr. Trilochan Rath, Id. Counsel appearing for the Railways/Respondents. Perused the materials placed on record.

Applicant, a retired Railway employee, has filed this Original Application under Section 19 of the Administrative Tribunal's Act, 1985 claiming certain arrear dues from the Railways. Mr. Mishra, Id. Counsel for the Applicant has disclosed, at the time of hearing, that arrear night allowances have already been released in his favour during pendency of this case. In para-6 of the Counter, filed by the Railways, it has been disclosed as under;

"..it is humbly submitted that the Applicant has attained superannuation w.e.f. 30.04.01 (AN) vide Annexure-A-1 to O.A. Before his retirement, it is expedient on the part of Rly. Administration to send the Service Record of the Applicant to Associate Finance Branch for reviewing Service Record before making settlement payments. At the time of final review of Service Sheet by Accounts Branch detected less drawl of Increment. Accordingly, pay of the Applicant has been revised by giving Increment, thereby pay has been increased. As a result of which the difference of Increment arrears has been accrued. Accordingly, the Section Engineer (P.Way) Khurda Road has submitted the Supplementary Arrear Bill for difference of Increment for an amount of Rs. 11,102/- pertaining to the period from 24.06.74 to 23.03.01. The said Supplementary Arrear Bill has been sent to Finance Branch on 11.03.04 for finance concurrence as the arrear claim involves for more than 3 years old. The Finance branch accorded finance concurrence on 19.04.04. Then the matter was placed before competent authority for obtaining approval of competent authority to forward the case to Hd.Qtr. as the claim involves for more than 3 years in terms of Estt.Srl.No. 17/2002 which is annexed as Annexure-R/1. After according the approval of competent authority, the

Notes of the Registry

1) A.Ds returned from R. 1, 4.85 but app./Counter not filed,

2) A.Ds not returned from R. 2.83.

Registry

My

10/1/05

Order dt. 10.01.05

Ld. Counsel for the applicant is present. ADs not yet back from R-2 to 3, although notice was sent to them by Regd. post on 29.11.04. Service is located sufficient on them. The matter is adjd. to 08.02.05 for appearance and filing of Counter.

REGISTRAR

Mrs. T. Rath, Rly. Adm. appeared for Deptt. despts. but Counter not filed

My

Registrar

7/2/05

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 08.02.05

Applicant is absent on call. Mr. T. Rath, Ld. ASC prays for time to file counter. Heard. Time is granted till 09.03.05 for counter. ~~et seq.~~

O.A. 1129/04

matter was referred to H.Q.'s Office under this Office letter dt. 05.04.05 for obtaining sanction of competent authority which requires some time.

It is submitted that in-advertently, fixation of Increment was not granted during his service career. The Applicant did not raise any grievance for the aforesaid Increment during his service career. However, at the time of retirement, the same was detected and honestly, the Respondents have processed his differential Incremental Arrears for an amount of Rs. 11,102/- for sanction of competent authority which is awaited as per Estt.Srl.No. 17/02 which requires some more time."

Since, the Respondents have taken steps ^{and} since 19.04.04/05.04.05 to resolve the grievances of the Applicant (as disclosed in their Counter^{by} extracted above), this O.A. now stands disposed-of, directing the Respondents to release the arrears of the Applicant within a period of next three months hence. The Respondents should give all consequential reliefs to the Applicant as due and admissible under the rules; within a period of 90 days.

With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

Member (Judicial)

Order dt. 09.03.05

Applicant is absent on call. Mr. T. Rath, Ld. ASC for the respondents prays for time to file counter. Heard. Time is granted till 07.04.05 for counter.

9/4/05
REGISTRAR

Counter not filed.
MY Registrar
6/4/05