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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 02-07-2003.

2(two) Accounts payee cheques worth of Rs.85,880/- and another worth of Rs.40,657/- were released by the Railways in favour of the Applicant in this case(Naba Sisu) towards his terminal benefits at the end of his employment/superannuation. Those cheques were said to have been misdelivered for which these have not been encashed from the banks, on the instruction of the Applicant. The Railways having verified that these cheques have not been encashed, they have now issued an account payee cheque on 30.6.2003 worth of Rs.1,26,537/- in SBI Asansol Branch. The said cheque which has been handed over by Mr.RC Rath, Learned Standing Counsel for the Railways to Mr.S.B.Jena, learned Counsel appearing for the Applicant under proper receipt. Copies of the forwarding letter dt.30.6.2003 of the DRM, Eastern Railways Asansol, the account payee cheque of dated 30.6.2003 and the receipt granted by Mr.Jena to Mr.Rath are kept on record of this case. Mr.Jena, learned Counsel for the Applicant undertakes to hand over the cheque worth of Rs.1,27,537/- to the Applicant under proper receipt and hand over the said receipt to Mr.Rath, learned Standing Counsel by 11.7.2003. He will also file a copy of the said receipt to be kept on record of this file.

This OA in the aforesaid premises stands disposed of.

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Other prayer of the Applicant
 pertaining to release of his gratuity depends
 upon production of his 'no objection
 certificate'. It appears that the Railways
 have taken a stand that the Applicant has
 not yet handed over the quarters allotted in
 his favour. On the other hand the stand of
 the Applicant is that he has already vacated
 the quarters allotted in his favour by the
 Railways out for the reason of some of his
 family difficulties, the applicant's wife is
 in occupation of the said quarters for which
 a proceeding under PP (Eviction of Un-
 authorised occupants) Act, 1972 has already been
 initiated against the Applicant. Since a
 proceeding under the PP (EUG) Act, 1972 has
 already been initiated, it is for the
 Applicant to explain the position to the
 authorities of the Act in question and
 ensure the clearance in his favour so
 that gratuity amount can be released in his
 favour at the earliest. Applicant to take
 appropriate step to obtain his no objection
 certificate by approaching the Estate Office
 under the PP Act appropriately.

Send Copies to parties

MEMBER (JUDICIAL)

Copy of order dt. 2/7/03
 issued to all the repts.
 by posts.

The same copy of order
 issued to the counsel
 for both sides.

2/7/03
 S.O.

2/7/03