

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

ORDER DATED 8-2-07-2003.

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. These 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 Asansel 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 Asansel, 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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Copy of order dt. 2/7/03  
issued to all the dep'ts.  
by posts.

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

PM  
2/7/03

DM  
2/7/03  
S.C.

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 but 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 (EUC) 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 steps to obtain his no objection  
certificate by approaching the Estate Office  
under the PP Act appropriately.

Send Copies to Parties

MEMBER (JUDICIAL)