

1. ORDER DATED 04-10-2002.

The Applicant, an Ex-Vehicle Driver, Grade-II Office of the Deputy Chief Engineer, (Construction), South Eastern Railway, has filed this Original Application, under Section 19 of the Administrative Tribunals Act, 1985 praying therein for a direction to release the retirement benefits, as due and admissible, to him within a stipulated period construing his normal date of superannuation as 31-5-2002.

It appears that the Applicant has come up in this Original Application without exhausting the departmental remedies/without pursuing the matter before his authorities for redressal of his grievances. It is to be noted here that mere existence of right is not enough to rush before a Court of Law for redressal of his grievance. It is also required that he has to ventilate his grievances before his authorities and in the event of non-consideration of his case, one can approach before appropriate court of law for redressal in the matter.

Today, during the hearing on admission, on being pointed out, the learned counsel for the Applicant Mr. B. R. Sarangi has sought for permission to withdraw this O.A. with liberty to move before the appropriate authorities ventilating the grievance of the Applicant.

In the said premises, this Original Application is dismissed as withdrawn; giving liberty to the Applicant to move before his authorities giving a detailed application within a period of fifteen days hence. In the event of such a

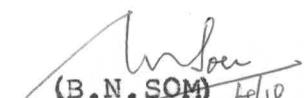
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representation is made by the Applicant, the Respondents/Authorities are hereby directed to look into the grievances of the Applicant appropriately with a tinct of sympathy, in order to cater the justice at an early date. We further make it clear that while dealing with the representation of the Applicant, as directed above, the points raised in this Original Application may also be treated as part of the representation and pass a reasoned and speaking order.

Send copies of this order, alongwith copies of the Original Application and the enclosres, to the Respondents and free copies of this order be given to the learned Counsel for the Applicant and Shri D.N.Mishra, learned Standing Counsel for the Railways/Respondents; on whom a copy of this Original Application has been served.


(B.N. SOM) M.P./D
VICE-CHAIRMAN


M. Mohanty
04/10/2002
(MANORANJAN MOHANTY)
MEMBER(JUDICIAL)

KNM/CM.