



FORM No. - 4

See Rule (12)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
CUTTACK BENCH

**ORDER SHEET**

Original Application No. .... 16 .... of 200 3  
Applicant(s) .... Admin. .... George .... Respondent(s) .... V.O.I. ....  
Advocate for Applicant(s) .... M/S. A. Karungo .... Advocate for Respondent(s) ....  
S R Misra  
M K Biswad.

**NOTES OF THE REGISTRY**

SPG for Rs 50/- fwd.

for Regn PI

16/1/03

15.01.03

on Memo

for Admin PI

14/1/03

Bench

**ORDERS OF THE TRIBUNAL**

**REGISTER**

16/1/03  
Regd.

1. ORDER DATED 16-01-2003.

Applicant, a retired Railway employee, served the State Government of Maharashtra for a period of less than five years (from 10.11.1965 to 31.01.1970). On the prayer of the Applicant to use the qualifying service under the State Govt. grant of Maharashtra towards pensionary benefits in the Railways, necessary consequential orders having been passed under Annexure 5, dated 10-1-2001, information was sought to be

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

contd... Order No. 1 dated 16.1.2003.

collected from the Senior Deputy Accountant General, Nagpur, Maharashtra under Annexure-6, dated 25.6.2002. As it appears, under Annexure-7 the Senior Accounts Officer/PM of the Office of the Accountant General, Nagpur has intimated the Railways that the services rendered by the Applicant for the period from 10.11.1965 to 31.1.1970 was in a pensionable establishment of the Govt. of Maharashtra. However, the question as to whether the Applicant had ever received gratuity from the State Government of Maharashtra and as to whether any of the periods (between 10.11.1965 to 31.1.1970) were treated as disqualifying service (for the reason of being placed under suspension; or for the reason of his unauthorised absence) has still remained unanswered. The Accountant General at Nagpur, Maharashtra required the Railways to collect the aforesaid information from the State of Maharashtra directly. It is not known as to whether the Railway has collected these informations from the State Govt. of Maharashtra or not but the fact remains that the Applicant had not yet been given the benefit of the services (rendered from 10.11.1965 to 31.1.1970) from the Railways.

It is the case of the Advocate for the Applicant Mr. Kanungo, as disclosed in the present Original Application, that the applicant having served for less than five years in Maharashtra State Govt. had not received the gratuity. It is also the case of the

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O.A.NO.16/2003.

Contd...Order no.1,dated 16.1.2003.

Advocate for the Applicant that the Applicant faced no suspension during her service in Maharashtra Govt. and she never remained unauthorised absence, while serving the Government of Maharashtra.

On the face of the aforesaid statements of the Applicant, there appears to be no prohibition now, before the Railways, to give necessary consequential benefits to the Applicant as ordered under Annexure-5 dated 10.1.2001.

In the aforesaid premises, this Original Application is disposed of with direction to the Railways to grant necessary consequential benefits to the Applicant ; provided the Applicant places on record (before the Railways) an Affidavit disclosing that she had never received any "gratuity" from the State Govt. of Maharashtra and that she was never placed under suspension; nor remained absent unauthorisedly while serving the State Govt. of Maharashtra. Applicant should also give an undertaking, in the aforesaid Affidavit, that in the event it is found that the Applicant was ever placed under suspension or remained absent unauthorisedly, while serving the Govt. of Maharashtra, or that she had given a false statement relating to non-receipt of gratuity, then the amount shall be recovered from her.

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O.A.No.16/2003.

contd...Order No.1, dated 16.1.2003.

With the aforesaid observations and directions, this Original Application is disposed of at the admission stage after hearing Mr. A. Kanungo, Learned Counsel for the Applicant and Mr. R. C. Rath, Learned ~~advising~~ Counsel for the Railways, on whom a copy of this Original Application has already been served.

Send copies of this order, alongwith copies of the Original Application, to the Respondents ; for which, learned Counsel for the Applicant Mr. Kanungo, undertakes to file the postal requisite within a period of seven days.

Free copies of this order be also given to learned counsel for both sides.

*Manoranj*  
16/01/2003  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

KNM/CM.

Dr. dt. 16.1.03

Postal requisites  
filled.

Copies of or. with  
Copies of or. sent  
to all courts.

Free copies of  
said order handed  
over to counsels for  
both sides.

*Dilip  
Sarkar  
S.*

16.1.03