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O.A.No.237 of 2007

Fagu Sahoo

Applicant

Vrs.

Union of India and others

Respondents

ORDER DATED 19/5 SEPTEMBER 2007

This matter was placed before the Bench for considering the *like when none appeared. However on perusal of record* question of admission on 7.8.2007 by order dated 7.8.2007 the notices on the motion for admission and interim relief were directed to be issued to the Respondents returnable in four weeks and the matter was posted to 7.9.2007. On 7.9.2007 the learned counsels M/s N.R.Routray and S.Mishra for the applicant and Shri G.Singh, the learned Panel Counsel (Railways) for Respondent No.1 were absent on account of Advocates' strike on Court work before this Bench on the basis of purported resolution of CAT Bar Association. In this connection, I would like to refer to the decision of the Hon'ble Supreme Court in the case of Ramon Services Pvt.Ltd. v. Subhash Kapoor and others, JT 2000 (Suppl.2) SC 546, wherein Their Lordships, in paragraphs 24, 27 and 28 of the judgment, have held that no advocate can take it for granted that he will appear in the court according to his whims and fancies or convenience. It would be against professional ethics for a lawyer to abstain from the court when the cause of his client is called for hearing or further proceedings. In appropriate cases the court itself can pass effective orders for dispensation of justice with the object of



inspiring confidence of the common man in the effectiveness of judicial system. Inaction will surely contribute to the erosion of ethics and values in the legal profession and the defaulting Courts may also be contributory to the contempt of the Hon'ble Apex Court. Keeping in view the case law laid down by the Hon'ble Supreme Court, the materials available on record were perused and the order was reserved.

2. Brief facts of the case are that the applicant is a retired PCR employee of Construction Organization of the Railways. He retired from Railway service w.e.f. 30.6.2006. He has filed this O.A. for a direction to the Respondents to pay the Transportation Allowance and the Medical Bill amounting to Rs.1,807/-. The applicant claims that he has filed a representation before Respondent No.4 on 15.1.2007 (Annexure A/2) which is still pending.

3. In the facts and circumstances of the case and in view of the facts that the applicant is a retired Railway employee and his outstanding dues are yet to be settled by the Respondent-Railways and that no heed appears to have been paid by the Railway authorities, I feel that ends of justice of justice would be met if a direction is issued to the Respondent No.3 to consider and dispose of the applicant's representation by a speaking order within a period of thirty days from the date of receipt of copy of this order.



Simultaneously, Respondent No.1 should also be directed to issue necessary instructions to Respondent No.3 to consider the applicant's representation within the time stipulated by the Tribunal. It is ordered accordingly. The applicant should file the postal requisites for communication of this order to Respondent Nos.1 and 3 within a period of seven days from the date of receipt of copy of this order.

4. With the above observation and direction, the Original Application is disposed of accordingly. *ee*

(N.D.RAGHAVAN)

VICE-CHAIRMAN

*fix for pronouncement
on 19.09.07 at 230 PM
like.*