

O.A. No.560/2011

ORDER DATED 29th OF AUGUST, 2011

S.K. Barik.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDICIAL.

Heard Sri G. Rath, Ld. Sr. Counsel for the applicant and S.K. Ojha, Ld. Standing Counsel for the Railways/ Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following relief:-

- “(i) To direct the Respondents to sanction the pension and all other retirement dues of the applicant and pay him the same forthwith treating the applicant deemed to have been retired from service voluntarily after expiry of ninety days from the date of his VR application;
- (ii) To direct the Respondents to pay the applicant compound interest on his pension and pensionary dues @ 12% per annum;”

3. The contention of the applicant is that he joined as ASM on March, 1988 in S.E. Railway, West Singhbhum, Bihar/Jharkhand. In the year 2005, the applicant was promoted to the post of Station Manager and posted at Banspani, S.E. Rly. Joda, Keonjhar. While working as such, by filing representation dated 25.12.2010 the applicant sought Voluntary retirement from service on health ground (Annexure-A/2). While the matter stood thus, he preferred a further representation dated 02.06.2011 (Annexure-A/3) due to non receipt of retiral dues,

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which according to him should have been disburshed, on the ground that his prayer for voluntary retirement from service vide Annexure-A/2 on dated 25.12.2010 is deemed to have been accepted on completion of 90 days. Sri Rath, Ld. Sr. Counsel for the applicant submits that since the representation is pending he would be satisfied if a direction is issued to Respondent No.4 to consider the representation and dispose of the same with a reasoned/speaking order within a specific time frame, as the applicant has already been hospitalised.

4. Accordingly, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.4 is directed to consider and dispose of the pending representation vide Annexure-A/3 and if the applicant is found entitled to the benefits he shall be given all the dues, as he has already been in the hospital according to the Ld. Counsel for the applicant and accordingly, pass a speaking & reasoned order within a period of 60 days from the date of receipt of copy of this order under intimation to the applicant.

5. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

6. Send a copy of this order along with copy of the O.A. to Respondent No.4 at the cost of the applicant for compliance. Sri Rath, Ld. Sr. Counsel for the applicant undertakes to deposit the postal requisites in course of the day. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER JUDL.


MEMBER ADMN.