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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Date of order: 09-09-2010

PRESENT:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

In the Matter of

O.A. No.443/2009

Shri Narana ... Applicant  
Versus  
Union of India & Ors. ... Respondents

(For Full details, see the enclosed cause title)

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For Applicant: M/s.B.B.Mishra, S.K.Sahoo, P.Das, Counsel

For Respondents: Ms.S.L.Pattnaik, Counsel  
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O R D E R

MR. C.R.MOHAPATRA, MEMBER (A):

The case of the Applicant, in nut shell, is that he joined in the Engineering Section of the erstwhile South Eastern Railway on 24.8.1966 and retired from service on reaching the age of superannuation on 30.04.1995. Except provisional pension, the Respondents have illegally withheld all his retirement dues to which, according to him, he is entitled to under Rules. His stand is that as his representation dated 5.1.2009 requesting release of his retirement dues did not yield any fruitful result, he has approached this Tribunal in the present Original Application seeking the following relief:

- “(i) It is, therefore, prayed that the applicant be provided with all post retiral benefits including gratuity , PF as due and admissible under law;
- (ii) The applicant be paid regular pension at the present rate as due and admissible under law;
- (iii) The applicant be paid interest of 18% per annum on the arrears. Any other order/orders and/or direction/directions be passed in favour of the applicant, as this Hon'ble Tribunal thinks just and proper.”

2. With the aforesaid prayer, Applicant filed the present OA on 29<sup>th</sup> July, 2009 and the matter was placed before the Bench on 14.09.2009 and

as per the order of the Bench the matter was again listed on 05.10.2009. On 05.10.2009, considering the submission of both parties, notice was directed to be issued to the Respondents to file their counter within eight weeks. Thereafter, after several opportunities granted by the Registrar, no counter was filed by the Respondents. In the circumstances, the matter was placed before the Bench on 19.7.2010. However, on the request of Learned Counsel for the Respondents, the matter was adjourned to 5.8.2010 for hearing with opportunity to the Respondents to file counter, if any, meanwhile. However, on 5.8.2010 on the request of Learned Counsel for the Respondents the matter was adjourned to 17.8.2010. On 17.8.2010, Ms. Patnaik who has entered appearance and on whose specific request the matter was posted to 17.8.2010 absented herself when the matter was taken up on 17.8.2010. However, on the specific request of Mr. S.K.Ojha, Learned Standing Counsel for the Respondents to adjourn this matter to some other date to enable him to appear in this case, the matter was posted to 19.8.2010. On 19.8.2010 Mr. Ojha, did not enter appearance and on the other hand Ms. S.L. Patnaik remained on accommodation. Accordingly, the matter was adjourned to 25.8.2010. Though counter was filed by the Respondents on 25.08.2010, Learned Counsel for both sides remained absent from the Court on 25.8.2010. Hence the matter was adjourned to 31.8.2010. On 31.8.2010, Learned Counsel for both sides were also absent and, therefore, the matter was adjourned to 06.09.2010. On 06.09.2010 Ms. S.L. Patnaik, Learned Counsel for the Respondents was also not present. As this case relates to release of retirement dues of an employee retired since 1995, I was not inclined to grant any further adjournment.

3. The Respondents by filing counter on 25<sup>th</sup> August, 2010 disputed and denied the claim for receipt of any post retirement benefits In the counter in paragraph 7 it has been stated by the Respondents that the applicant

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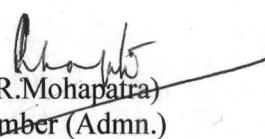
9 has been paid his leave salary to the extent of the leave was in his credit at the time of his retirement i.e. 101 days amounting to Rs.8,107 vide AB No.11-274 dated 28.4.1995 passing order C.O-07 N.771029 dated 28.4.1995; CGEGIS amounting to Rs.2954/- vide finance Branch AB No.121298 dated 28.4.1995 and passing order CO -07 No.771028 dated 28.4.1995; Provident fund amounting to Rs.7,470/- vide AB No.PF/S/32 dated 21-4-95 and passing order CO 07 No.PF/S/771920 dated 30.04.95 and provisional pension @ Rs.375 p.m. + DA vide PPO No.10/SE-KUR/1995/B-348-PS/SE/604 dated 21.7.95.

In regard to release of gratuity amount and full pension it has been contended by the Respondents that as GR case No.123 of 94 is subjudice in the Court of Learned SDJM, Puri (out of Delang PS Case No. 15/94) U/s.147/148/323/324/325/326/307/149 IPC, as per the Rules, the gratuity and full pension of applicant has not been released/sanctioned in his favour. Accordingly, Respondents have prayed for dismissal of this OA. No rejoinder has been filed by the Applicant disputing the stand; especially pendency of GR case, taken by the Respondents in their counter.

4. As stated above since Ms.Patnaik, Learned Counsel appearing for the Respondents was absent, after hearing Learned Counsel for the Applicant, with his aid and assistance perused the materials placed on record. Neither in the pleadings nor in course of submission learned Counsel for the Applicant throws any light in regard to the fate of the GR case instituted against him vide Delang PS Case No. 15/94 U/s.147/148/323/324/325/326/307/149 IPC and which is under subjudice in the Court of Learned SDJM, Puri. I have gone through the Rules relied on by the Respondents in their Counter and I do not find the withholding of Gratuity and sanction of Full Pension was in any manner irregular or illegal. The applicant has also not thrown any light with regard to the progress of the GR

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case in his representation although pendency of GR case finds place in the order of his retirement under Annexure-R/1. Hence, I find no merit in this Original Application which is accordingly dismissed. No costs.

**However, at the same time, I am constrained to record my deep concern about the handling and conducting of the case by the Learned Counsel appearing for the Respondents. I also deprecate the casual approach shown by the employee dealing with the case record. Although this is a matter of release of retirement dues of a retired employee, for the non-cooperation shown, this matter was unnecessarily dragging on and for timely non filing of counter the matter was getting listed consuming the precious time and energy of the Registry and the Bench also. Besides the above, I would think it just and proper to record my dissatisfaction on the dealing with the claim of a retired employee by the person manning the administration. As it appears, indolence of the applicant is matched by the callousness of the administration in not responding to the representations submitted by the applicant and not disclosing the fate of the GR case. For this reason and for the reason of dragging on the matter for such a long time due to non-filing of the counter, the Respondents shall do well in putting a proper system in place for due diligence in pursuing/progressing the cases before this Tribunal.**

  
(C.R.Mohapatra)  
Member (Admn.)