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O.A. No.648/2009

ORDER DATED 13th OF JANUARY, 2012

P. Behera..... Applicant

Vrs.

Union of India & Others Respondents

Coram:

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

&

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

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

2. This Original Application which was filed on 31.12.2009 was listed on 22.02.2010, on which date it was ordered "Put up as and when moved". Thereafter, it is seen neither the applicant nor his Counsel has taken any step to prosecute this case. So, this matter came up before this Bench on submission by the Registry under the headings for admission. On 21.11.2011 when the matter came up none for the applicant was present. So we had listed the matter for 12.01.2012, then also no body appeared. Then it was listed today i.e., 13.01.2012. Sri S.K. Mishra, Ld. Counsel for the applicant appeared today and prayed for restoration as this O.A. was dismissed for default on 21.11.2011 and M.A. No.16/12 was filed on 03.01.2012 with a prayer to restore the O.A. and thereupon to decide this matter on merit. Since this case relates to grant of Family Pension of the widow of the deceased Railway employee, we allow this M.A. for restoration. Accordingly, this O.A. is restored to file.

3. Sri S.K. Mishra, Ld. Counsel for the applicant submits that

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representation dated 21.08.2009 vide Annexure-A/5 to Respondent No.2 for grant of Family Pension is pending for orders/decision. In view of this, he prays that the applicant's grievance shall be redressed if Respondent No.2 is directed to consider the pending representation within a specific time frame.

4. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent Nos.2 & 3 are hereby directed to consider and dispose of the pending representation vide Annexure-A/5 within a period of 90 days from the date of receipt of copy of this order. In case after examination of this case, the Respondents find that the applicant is entitled to the benefits, the same shall be released within 60 days thereafter.

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

6. Send copies of this order along with paper books to Respondent Nos.2 & 3 (at the cost of the applicant) for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

7. Sri S.K. Mishra, Ld. Counsel appearing for the applicant undertakes to deposit the postal requisites by Monday 16.1.2012.


JUDGE MEMBER


ADMIN MEMBER