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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 809 OF 2013

Cuttack, this the 2nd day of December, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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Parixit Ram,
aged about 61 years,
Son of Late Jagu Ram,
Retired Junior Engineer Electricals/Grade-II/KUR
Office of Senior Divisional Electrical Engineer (G)/
Khurda Road/East Coast Railway/ Jatni,
Permanent resident of At- Station Bazar,
Near Ata Kala, PO- College Square,
P.S.- Malagodown, Town/dist- Cuttack, Odisha.

.....Applicant

Advocate(s)....M/s. N.R. Foutray, T.K. Choudhury, S.K. Mohanty,
Ms. J. Pradhan.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur,
Bhubaneswar, Dist-Khurda.
2. Divisional Personnel Officer-I,
East Coast Railway,
Khurda Road Division,
At/P.O.- Jatni, Dist. Khurda.
3. Divisional Railway Manager.
East Coast Railway,
Khurda Road Division,
At/P.O.- Jatni, Dist. Khurda.
4. Senior Divisional Electrical Engineer (G),
East Coast Railway,
Khurda Road Division,
At/P.O.- Jatni, Dist. Khurda.

..... Respondents

Advocate(s).....T. Rath



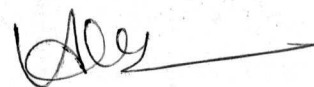
ORDER (ORAL)

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

Heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served.

2. The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking for a direction for early release of Leave Salary, DCRG, Commuted Value of Pension and final Pension. Mr. Routray, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant has made a representation on 30.09.2013 addressed to the Divisional Personnel Officer-I, E.Co.Rly., i.e. Respondent No.2, but till date he has not received any reply either from Respondent No. 2 or from DRM and Sr. Divisional Electrical Engineer (G) on whom copy of this representation has also been sent. Mr. Routray also submitted that the applicant being a cancer patient a short time may be granted to the Respondents to consider the representation of the applicant.

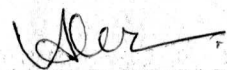
3. Mr. T. Rath, Ld. Standing Counsel for the Railways, brought to my notice that in the representation itself the applicant has mentioned that Inquiry Report has been made on 22.07.2013. He further submitted that till date no final order in disciplinary proceeding has been passed. Mr. Routray, Ld. Counsel for the applicant also did not controvert the submission made by Mr. Rath. Mr. Rath further submits that unless the disciplinary proceeding reaches its finality no order can be passed so far as release of Leave



Salary, DCRG, Commuted Value of Pension as well as final Pension are concerned. It is seen that the I.O in his report exonerated the applicant. However, it is for the Disciplinary Authority to decide but such decision should be at the earliest opportunity.

4. Be that as it may, since representation submitted by the applicant is still pending, as submitted by the Ld. Counsel for the applicant, without expressing any opinion on the merit of the matter, this OA is disposed of, at this admission stage, with direction to Respondent No. 2, Divisional Personnel Officer-I, E.Co.Rly., to consider the said representation dated 30.09.2013 (if it is still pending) within a period of six weeks from the date of receipt of a copy of this order. At the same time, I hope and trust the Disciplinary Authority, i.e. Respondent No.4, to whom, a copy of the representation has already been forwarded, shall take expeditious steps to take a final decision on the disciplinary proceedings, if no final order has been passed by now. I make it clear that if, in the meantime, the representation so preferred by the applicant on 30.09.2013 has already been disposed of, the result thereof shall be communicated to the applicant within a period of two weeks from today. No costs.

5. Copy of this order be communicated to Respondent Nos. 2, 3 and 4 by the Registry through Speed Post at the cost of the applicant for which Mr. Routray undertakes to furnish the postal requisites by 05.12.2013.


(A.K.PATNAIK)
MEMBER(Judl.)