

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O. A. No. 260/00490 OF 2014**  
**Cuttack, this the 26<sup>th</sup> day of June, 2014**

CORAM  
**HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)**  
**HON'BLE MR. R.C. MISRA, MEMBER (Admn.)**  
.....

Duryodhan Behera,  
Aged about 75 years,  
Son of Late Ratnakar Behera,  
At- Gujarpur, P.O.- Vairapur,  
P.S.- Jagatpur, District- Cuttack.

.....Applicant

Advocate(s)... M/s. S.B.Mohanty, S.K. Mohapatra, J.R.Kar

**VERSUS**

Union of India represented through

1. Secretary,  
Ministry of Railway, Rail Bhawan,  
New Delhi.
2. General Manager,  
East Coast Railway, At-Chandrasekharapur,  
Bhubaneswar, Dist-Khurda.
3. Divisional Railway Manager (DRM),  
Khurda Road Division, East Coast Railway,  
At/PO- Jatni, Dist-Khurda.
4. Divisional Personnel Officer (DPO),  
East Coast Railway, Khurda Road Division,  
At/PO- Jatni, Dist-Khurda.

..... Respondents

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

**ORDER (ORAL)**

**A.K.PATNAIK, MEMBER (JUDL.):**

Heard Mr. S.B.Mohanty, Learned Counsel for the Applicant, and  
Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways,  
and perused the materials placed on record.




2. The applicant's prayer in this O.A. is for direction to the Divisional Railway Manager, Khurda Road, East Coast Railway, to sanction minimum pension in terms of Rule 69 (2)(b) of Railway Services Pension Rules, 1993 and also to direct the Respondents to release Provident Fund, Gratuity and other retiral dues in terms of Rule 3(22) and (24) of the Railway Service Pension Rule, 1993 as he initially joined the Railways as a Clerk on 22.01.1959. During his incumbency, the applicant was promoted to the post of Sr. Clerk in the year 1972. However, he did not resume his duty due to illness since 1976. In the meantime, he reached the age of superannuation in the year 1996. Since he had put in more than 10 years of regular service, as per the rules he was entitled to pension and other pensionary dues and his GPF contribution but despite representation the same has not been paid to him. It has been further stated that after getting information under RTI Act he has made representation but till date the same has not been considered. Hence, he has filed this O.A. with the aforesaid prayer.

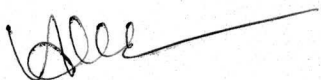
3. Mr. T. Rath, Ld. Standing Counsel for the Railways, who has received a copy of this O.A., strongly objected to the admission of this O.A. on the ground that applicant has approached this Tribunal without making representation to the appropriate authority. It has been submitted that at this stage unless the applicant makes a representation to the appropriate authority, it will difficult on the part of the DRM, to whom he has made representation as submitted by him, to trace out the record so as to process the grievance of the applicant for release of alleged dues, which he claims to be entitled to.



4. On being confronted with the above aspect of the matter, Mr. Mohanty, Ld. Counsel for the applicant, craves leave of this Tribunal to withdraw this O.A. so as to make an exhaustive representation to the appropriate authority praying for release of the dues.

5. In view of the above, this O.A. is disposed of being withdrawn giving liberty to the applicant to make an exhaustive representation to the appropriate authority within a period of two weeks and we hope and trust that in case the applicant makes any such representation the same will be considered by them as per the rules and law at an early date and result shall be communicated to the applicant.

  
(R.C.MISRA)  
MEMBER (Admn.)

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

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