

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

O.A. NO. 576/2005.
This, the 3rd day of January 2008.

HON'BLE MR. A.S. KARAMADI MEMBER(J)

Raj Pati Rai, Ex-Retired Special grade guard from Eastern Railway Mugal Sarai, now residing C/o Sri Shitala Prasad Rai Advocate, R/o House No.

Applicant.

By Advocate: None.

Versus

1. Union of India through its General Manager Eastern Rly Fairly place Kolkata.
2. Union of India through its New Zonal Manger Easte Central Railway, Hazipur, Patna.
3. Divisional Railway Manager Eastern Railway Mugal Sarai.
4. Director Eastern Railway Orthopedic Hospital-5 Church Road, Hawrah.
5. Chief Medical Director Eastern Railway, Kolkata.
6. C. Medical Officer, E. R. Mughal Sarai.

Respondents.

By Advocate Shri B.B. Tripathi for Shri N.K. Agarwal.

Order (Oral)

By Hon'ble Mr. A.S. Karamadi, Member (J)

This application has seeking the following reliefs:

“SR-1 The applicant has served the railway for 58 years in operating Department and took voluntary retirement for the post of Special guard from the office of Opp. Party No. 3 on 30.10.2001 containing as Annexure No. 5.

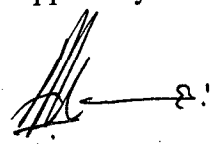
SR-2. The applicant prior to his retirement was submitted in the Railway Hospital and after being discharged he was allowed light duty but despite of recommendation made by Chief Medical Officer Mughal Sarai, the requisition for obtaining T.K.R. implant have been sent by Chief Medical Officer Easter Railway, Hawrah.

SR-3 The application given by the applicant, Hon'ble Railway Manager, Rail Bhawan, New Delhi could not give any relief to the applicant and his both knees operation have not yet been made as mentioned in Para 1A to 1K.

SR-4. The applicant has become handicapped because of the irregularity and malafide action of Opp. Partis No. 1 to 5.

SR-5. The applicant is liable to be given compensation for the loss occurred due to negligence of Opp. Parties and the applicant has to take voluntary retirement before two year of his actual retirement date.

SR-6. The application given by the applicant for compassionate appointment to his son as containing Annexure No. 7 has not yet been considered by Opp. Party No. 1 to 3 and the same is ought to be considered.



SR-7. The loss of two years from 31.1.2001 to 31.10.2003 calculating the pay and other emoluments should be paid to the applicant by opp. Party No. 1 to 3 along with Bank interest.

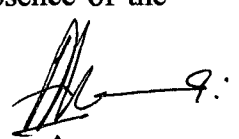
SR.8. The two year increment from 31.1.2001 to 31.1.2003 along with other benefits should also be given."

2. On notice, the respondents have filed counter affidavit. In Para 8, it has stated as under:


"That in reply to the contents of para 4 of the original application, it is submitted that the contents as stated are misleading hence strongly denied. The detailed reply has already been given above as such need not to be repeated again. However, it is further submitted that Annexure No. 5 dated 30.10.2001 and Annexure No. 6 dated 31.1.2001 are not available in the office record and it appears that no such papers have been furnished by the applicant who has taken the voluntary retirement. It is also submitted that ex employee has submitted an application only on 30.10.2000 requesting that he has already completed more than 36 years of service in the Railways and had already completed 58 years of aged and not willing to work up to the aged of 60. AS the ex employee has requested for voluntary retirement on his own w.e.f. 31.1.2001 and all the retrial benefits were paid on account of the settlement dues. It is also submitted that in case of voluntary retirement as per the extent rules, there is no provision for considering the case of wards of voluntary retired ex employee for compassionate appointment as such this case also does no come under the purview for appointment of the wards of the applicant on compassionate grounds."

3. After notice to the respondents, the detailed C.A. was filed. Today, when the matter is taken up, having regard to the fact that the earlier order was passed as the counsel appearing for the applicant was expired and the court notice was sent to the applicant. In view of the fact that notice sent to the applicant by the office, the same was returned with the remarks that not known. Having regard to the same, I left with no option to go through the pleadings otherwise, the matter can be dismissed because there is no representation or any steps taken by the applicant to continue the proceedings on the expiry of the learned counsel whom he is engaged earlier. Having regard to the same, on perusal of the pleadings and the counter affidavit filed by the respondents, I passed the following order:

In view of the above, it is clear that the applicant is not interested to continue the proceedings otherwise, it is on record that the respondents contention that the such application is not pending before the respondents authorities for consideration and the statement made by the applicant is not true the facts of the case in the absence of the



same, the applicant cannot agitate his grievance. In view of these reasons, this O.A. is dismissed.


(A.S. Karmadi)
Member (J)

v.