

R.A.13-2001

1/10.9.2001

Shri S. Pandey, counsel for the applicant.
None for the respondents.

Reply not filed so far. List it for
hearing on 24.10.2001.

MBS.

(L. Hingliam) /M(A)

(L. Jha) /M(J)

2./ 24.10.2001. On the request made on behalf of the
applicant, list it on 9.1.2002 for hearing on RA.

/CBS/

(L.R.K. PRASAD)/M(A)

3/9.1.2002

Shri J. Prasad, counsel for the applicant.

Let this matter be placed before the Hon'ble
Vice-Chairman for constitution of Bench.

MBS.

(Sarveshwar Jha)

4/29.07.2003 :

On perusal of the record it transpires
(Order passed vide order dt. 30.05.2002 a Division Bench of Hon'ble
in chamber) Mr. L.R.K. Prasad, Ex-Member(A) and Hon'ble Mrs.
Shyama Dogra, Member(J), was constituted for hearing,
but this case was never placed before the aforesaid
Bench. Now in the changed situation when the Member(A)
has ceased to be a Member of the Tribunal, under Rule
49 (Sub-Rule 3 of Appendix-IV) of CAT Rules of Prac-
tice, 1993, a fresh Division Bench of Vice-Chairman
(self) and Hon'ble Mr. Sarveshwar Jha, Member(A), is
constituted for preliminary hearing on 22.08.2003. In
the meanwhile, office is directed to explain as to why
this case was not placed earlier for necessary direction.

skj

(B.N. Singh Neelam) /VC

5/28.08.2003 : Shri S. Pandey, counsel for the applicant.

As prayed for, be listed on 19.09.2003 for hearing.

skj

(S. Jha) /M(A)

(B.N. Singh Neelam) /VC

6/19.09.03: Mr. S. Pandey, for the applicant
be listed before the appropriate
D.B. as and when the same is available.

Shri Dogra
(S. Dogra) M(A)

7/27.11.03

cm

The learned counsel for the applicant
prays for time. Be listed on 18.2.04 for hearing.

S. Jha

(S. Jha) M.A.

B. N. Singh Neelam

(B. N. Singh Neelam) VC

8.2.04

List this case before Hon'ble Member (J)
for constitution of Bench.

(M. Jha) M.A.

Shri Dogra
(S. Dogra) M.J.

9/18.2.04

cm

D.B. consisting of Hon'ble Member (J)
(myself) and Hon'ble Shri M. Jha, Member (A) is
constituted for hearing on 14.4.04.

Shri Dogra
(S. Dogra) M.J.

10/15-4-04

Shri S. Pandey,
counsel for applicant
none for respondents

For want of DB
he listed on 25-5-04
for hearing.

SRS

Shri Dogra
(S. Dogra)
M(2)

A fresh bench
may be constituted
17/12/04

RA-13/01

11/25.5.04 Shri S. Pandey, counsel for applicant

None for respondents

For want of DB be listed on 25.8.04
for hearing.

sks

(M. Jha)/M(A)

12./ 25.8.2004. Let it be listed before the appropriate bench
as and when the same is available.

/CBG/

(S. DOGRA) M(J)

(L.M. GOYAL) V.C.

13/12.9.04

shri S.Pandey..for the applicant.

As prayed for by the counsel for the
applicant, list this case on 2.11.04 for hearing.

(M.Jha) M.A.

(S.Dogra) M.J.

cm

shri S.pandey..for the applicant.

14/2.11.04

cm

After perusal of record, it is found that the
applicant has not filed requisites till date. Therefore,
in the interest of justice, he is allowed one week's
time to to the needful. After filing of requisites,
issue notices to the respondents to file W.S. within
four weeks. List this case on 28.12.04 for hearing.

(M.Jha) M.A.

(S.Dogra) M.J.

requisites
filed on
8/11/04 with
stamp of
of Rs. 25/-
each
6/11/04

Notice
issued
on 29/11/04

15/28.12.2004 : Shri S.Pandey, counsel for the applicant.

Shri A.A.Khan, for the respondents.

Heard the L/c for the parties. After perusal of the relief clause in the OA it is found that applicant has also prayed for payment of TA&DA and truck hire charges amounting to Rs.21,600/- to transfer/shift the household effects and cattle from Darohanga to Lucknow and issuance of Medical Card for his treatment and treatment of his family members/dependent and medical reimbursement thereafter, but in the order passed by this Court on 16.03.2001 these reliefs have neither been discussed nor any finding has been given thereon.

In reply to these submissions, the L/c appearing on behalf of the respondents seeks time to have instructions in the matter from the department to make his submission on these points. Even after perusal of w/s it is found that no specific reply has come from the respondents' side on entitlement of the applicant on the aforesaid claims.

List it on 09.02.2005 for hearing.

skj

(M. Jha) / M(A)

(S. Dogra) / M(J)

16/9.2.2005

Shri S.K. Singh, vice counsel for the applicant.
Shri A.A.Khan, ASO for the respondents.

At the request made by the ld. counsel for the parties, let it be listed for hearing on 3.3.2005.

(M. Jha) / M(A)

(S. Dogra) / M(J)

vallelelung
filed on
21/2/05
and left in file
MPS.

2/3/05

Shri S.Pandey..for the
After perusal of record.
applicant has not filed reply

AO.

RA 13/01

17/3.3.05

Shri S. Pandey, learned counsel, appears for the applicant. Md. Ishra, proxy counsel, appears for the arguing counsel for the respondents. It appears from the order-sheet that a Bench has to be constituted. Place the case in chamber for constitution of Bench. Respondents are also directed to file their reply if ~~the~~ consider^{ed} necessary, otherwise it will be presumed that the respondents are not interested in contesting the claim of the applicant.

cm

(S. Srivastava) MJ

(Mr. Jha) M.A.

As per
order dated
28-10-04
be listed
before the
Bench on
6/4/05
Jha
7/3/05

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COA 267/96)

PUC

The Review petition has been filed against order passed on 16.3.01 in OA 267/96 by a Division Bench consisting Hon'ble Mr. Lakshman Jha, Ex-m(5) and Hon'ble Mr. L. Haringhama Ex-m(2).

A' [A fresh Division Bench is required to be constituted for preliminary hearing in terms of sub rule 3 of the Rule 49 (Appendix-IV) of the C.O.S. Rules of Practice 1933.

Submitted before Hon'ble V.C. in chamber for constitution of a Division Bench.

Hon'ble may be pleased to constitute a form DB for hearing of the R.A. as proposed at A'.

16/07/05

✓ By Registrar 16/7/05

Hon'ble V.C.

RA No.;13/01
[Arising out of OA 267/96]

08.07.2005 : A Division Bench of Vice-Chairman [self] and Hon'ble Shri Mantreshwar Jha, Member [A] stands constituted for preliminary hearing of this R.A.

Let it be placed before the aforesaid Bench on 27.07.2005 for preliminary hearing.

[P.K.Sinha]VC

Shri S.Pandey, counsel for applicant

Shri A.K.K.Sahay, counsel for respondents

27.7.2005

This application has been filed

by the applicant for review of the order dated 16.03.2001, recorded in CA-267/96.

2. The learned counsel for the applicant and the learned counsel for official respondents have been heard and the matter is being disposed of at this stage of preliminary hearing.

3. Main grievance of the applicant is that though this Tribunal in the aforesaid order had granted immediate payment of DCRG and leave encashment amount, in full, with 12% interest per annum, this Tribunal altogether overlooked to pass any order on relief mentioned in paras 8.2, 8.3 and 8.4.

4. The relief in para 8.2 is as follows:-
"The respondents be directed further to pay even DA pending TA which is still pending."

5. The aforesaid relief is too vague to be considered, not to say to be granted.

6. The relief in para 8.3 in the Original Application is for issuance of direction to the Respondents to make immediate payment of truck hire charge amounting to Rs .21,000/- to transfer/shift the house-hold effects and cattles from Darbhanga to Lucknow as the Respondents had failed to provide wagon as per Railway Rules. Relief in para 8.4 is for issuance of direction to issue medical card for self and family members (dependants) for proper treatment after retirement, and for medical reimbursement.

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(2A-267 of 1996)

7. In so far as the relief in para 8.3 of the Original Application is concerned, if on retirement such charges are payable to the applicant for conveying his goods and animals from the ^{last} place of posting to the home town, the Respondents should have made such payment after verifying the bills.
8. The same is position with the relief in para 8.4. If rules permit the medical card as prayed may be considered to be issued in favour of the applicant and his family members (dependants), if already not issued, and respondents may also consider any reimbursement in that regard, if claimed, as per extant rule.
9. In that view of the matter this Review Application is partly allowed with further direction that the Respondents will consider the reliefs sought as in paras 8.3 and 8.4 of the Original Application ~~aforsaid~~, and to grant such reliefs to the applicant ~~if~~ admissible to him under the extant rules, within a period of three months from the date of receipt of a copy of this order.
10. Relief in para 8.2. cannot be granted as it is too vague.

With the ~~aforsaid~~ directions and observations this Review Application is disposed of.

sks

(Mantrishwar Jha)
Member (A)

(P.K. Sinha)
Vice-Chairman