

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 417 OF 2005[Patna, this Friday, the 20th Day of April, 2007].C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Chandrika Pandey, S/o Late Dharam Pandey, aged about 66 years, resident of mohalla – Panchshil Nagar, Gandhi Lane, P.O.: Digha, P.S.: Danapur, District – Patna.APPLICANT.

By Advocate :- Shri I.D.Prasad.

Vs.

1. Union of India through the Secretary, Ministry of Communication, Department of Telecom, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom Bihar Circle, Patna.
3. The Joint Controller [DOT Cell], CTO Annexy Building, Patna.
4. The Principal General Manager, Telecom, Annexy Building, Patna.
5. The Chief Superintendent Telecom, CTO, Patna.RESPONDENTS

By Advocate :- N o n e.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Today on calls though learned counsel for the applicant appears but none appear on behalf of the respondents. It will appear that in this case notices were issued to the respondents by order dated 12.07.2005 but till this date no written statement has been filed. By order dated 03.05.2006 the respondents were allowed a last chance for filing written statement by 27.06.2006 failing which the pleadings were to be treated as complete and the matter was to be placed for hearing under the heading 'admission on notice'. It was also mentioned that, if possible, the OA shall also be disposed of . Thereafter also there had been several adjournments but

respondents obviously did not wake up from their slumber and kept sleeping over the written statement. Ultimately, a Bench on 07.03.2007 ordered, making it clear that if written statement was not filed, the matter would be decided on the basis of materials available on record.

Today, neither the written statement nor the learned counsel are there before the Tribunal. In such circumstances and in view of such callous attitude of the respondents, this Tribunal has no option but to hear the learned counsel for the applicant and to decide the matter as there is nothing on the record to controvert any of the pleadings put forward by the applicant.

2. About the jurisdiction, the learned counsel for the applicant submits that the applicant was an employee of Telecom and had retired in the year 1998 when BSNL was not even in existence, hence this application is to be heard by this Tribunal.

3. The applicant has come up before this Tribunal for issuance of a direction to the respondents to pay to the applicant the amount in DCRG, with interest. Annexure-A/4 is shown which is an order directing payment of Rs.70396/- as DCRG with the noting that since the applicant was living in Govt. quarter, this amount would be paid to him after he vacated the official quarter. This order is dated 10.08.1998.

Through Annexure-A/5, dated 24.03.2004 the applicant had intimated the concerned official that he had vacated the quarter on 19.03.2004, also attaching copies of the make-over and take-over memos. A prayer was made to pay him the amount of gratuity.

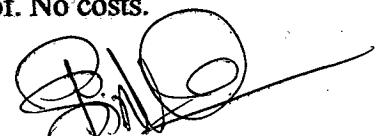
4. Since there is no opposition to the prayer on the record made by



the respondents, nor any cause has been shown by the respondents, despite having been given a long rope, as to why this application should not be allowed, I find that this application is fit to be allowed as per averments and materials brought on the record.

6. This application, therefore, is allowed and the respondents are directed to pay the amount of DCRG, which is legally payable, to the applicant within one month of receipt of a copy of this order, with interest, as per rules and circular, upto date.

This application, accordingly, is disposed of. No costs.


[P.K.Sinha]/VC

skj.