

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

CP.61/2001 in
OA.1500/96

dt. 24-7-2001

Between

J. Atchayamma

: Applicant

and

1. General Manager
SE Rly, Garden Reach
Calcutta 43

2. Divnl. Rly., Manager
(personnel)
SE Rly, Khurda Road
Orissa

3. Sr. Divnl. Officer
SE Rly., Khurda Road
Orissa

: Respondents

Counsel for the applicant

: K. suryanarayana
Advocate

Counsel for the respondents

: N.R. Devaraj
SC for Railways

Coram

Hon. Mr. Justice V. Rajagopala Reddy, VC

Hon. Mr. S.K. Agrawal, Member (Admn.)

Order

Oral order (per Hon. Mr. Justice V. Rajagopala Reddy, VC)

Heard.

..2.

CV

2. The present CP arises out of the order dated 20-1-1997 in OA.1500/96.

3. In that order it was observed as under :

"In view of the fact that the applicant's husband had been removed from service, the applicant will not be entitled for any family pension so far the removal order is in force. However she has to be paid the contribution made by her husband towards the PF and also the gratuity if her late husband is entitled for the same. The learned standing counsel submitted that the PF contribution of her husband and the entitled gratuity will be paid to her within a period of 3 months from the date of receipt of a copy of this order."

4. The learned counsel for the petitioner submits that PF was not paid to the petitioner.

5. Heard the counsel for the applicant and the respondents.

6. The learned counsel for the respondents produced before us the orders in CP.35/98 in the above OA dt.27-4-98. The said CP was filed by the petitioner earlier stating that the order dated 20-1-97 was not complied with.

7. Considering the said CP the following order was passed:

"When the CP was taken up on 20-3-98 Sri K. Rama Rao CLA of the Khurda Division produced before us the records. From the records it was evident that C.O.7 was passed and in the unpaid PF Suspense register there was no mention that the PF amount was not paid to the applicant. Hence, we came to the conclusion that the husband of the applicant was paid the PF amount immediately after his removal."

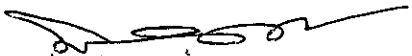
The learned counsel for the applicant submitted that he will check up the position from the applicant. We gave him time. In spite of that the learned counsel for the

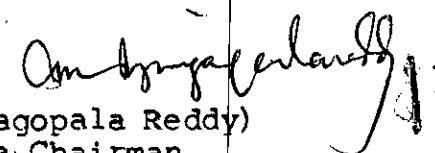
applicant is not present today to state the position after consulting his client. Hence, we have no other option except to agree with the submissions made by the learned counsel for the respondents.

In view of the above, the CP is closed."

8. In view of the above findings of the Court, ^{we find that} filing of the present petition suppressing the order passed in the CP.35/98 appears to be ^a suppression of ~~fact~~. When once earlier CP was closed the petitioner cannot now come to this Court stating that the directions given in the earlier CA was not complied with. The CP is liable to be dismissed with heavy costs. However as the petitioner being a widow we impose ^{nominal} costs of Rs.100/-.

9. The CP is therefore dismissed.


(S.K. Agrawal)
Member (Admn.)


(V. Rajagopala Reddy)
Vice Chairman

Dated : 24 July, 2001
Dictated in Open Court

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