

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 1.6.2001

OA 438/94

Uttam Chand s/o Shri Siya Ram r/o House No.36, Railway  
Housing Society, Mula Road, Kota.

... Applicant

Versus

Union of India through its General Manager, Western Railway,  
Churchgate, Mumbai.

... Respondent

CORAM:

HON'BLE MR.JUSTICE E.S.PAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the applicant ... None

For the respondent ... Mr.Anupam Agarwal, proxy counsel  
for Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.JUSTICE E.S.PAIKOTE, VICE CHAIRMAN

The applicant in this application had earlier filed another OA (OA 652/93). It appears that in the said OA (OA 652/93) the applicant had made a grievance that he was not paid gratuity and other pensionary benefits due to pendency of an inquiry against him. This Tribunal disposed of the said OA by passing the order as under :-

"3. The question of payment of gratuity will be decided by the respondents at the time of decision of the case the payment is not made then the applicant shall be entitled to the interest from the due date. In case the enquiry is not completed within four months the applicant will be at liberty



to approach this Court. However, it is expected that the applicant will cooperate with the authorities and the authorities will proceed day to day with the enquiry."

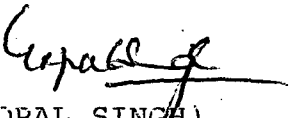
In the above order this Tribunal observed that if the inquiry is not completed within four months, the applicant shall be at liberty to approach this Tribunal. Finding that the inquiry was not completed within four months, as directed by this Tribunal, the applicant filed the present OA for the same relief. He also filed one Contempt Petition (CP 135/94 in OA 652/93). The said Contempt Petition has been disposed of by this Tribunal on 22.7.99 by recording that the applicant has already received the pensionary benefits claimed in the OA. We also think it appropriate to extract the relevant part of the order in CP 135/94 dated 22.7.99 :-

"3. In the order dated 21.9.94 passed in the MA, referred to above, it was directed that the applicant should be paid gratuity and other dues as per rules. The learned counsel for the respondents has produced an order dated 13.8.87 which indicates that commutation of pension amounting to Rs.60,976/- and gratuity amounting to Rs.65,233/- have already been paid to the petitioner through cheques. Interest amounting to Rs.30,007/- on the delayed payment of gratuity has also been disbursed to the petitioner. We, therefore, do not find any wilful disobedience of the order passed in the <sup>OA</sup>MA.


4. No case of contempt is made out against the respondents. The Contempt Petition is dismissed. Notices issued are discharged."

From the above order it is clear that the applicant has already received the gratuity and other pensionary benefits claimed in the present OA and in the circumstances, in our opinion, the present OA has become infructuous. Accordingly, we pass the order as under :-

OA 438/94 is hereby dismissed as having become infructuous. No costs.

  
(GOPAL SINGH)

MEMBER (A)  


  
(JUSTICE B.S. RAIKOTE)

VICE CHAIRMAN