

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

GA No. 118 / 97

Sri S. G. Momin ..... APPLICANT (S)

VERSUS

Union of India & Ors ..... RESPONDANT (S)

Mr. M. Chanda, N. D. Goswami ..... ADVOCATE FOR APPLICANT (S)

Mr. J. L. Sarkar, Rly. S.C. ..... ADVOCATE FOR RESPONDANT (S)

Office Note	Date ( )	Court Orders
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide IPO-BD No 607871, Dated ... 488885 488886 27-5-97 Dy. Registrar.</p> <p>3/6/97</p> <p>Deputy Registrar (A) Central Administrative Tribunal Guwahati</p> <p>3/6</p> <p>7.7.97</p> <p>Notice has been received by registered post on 7.7.97.</p> <p>10/7</p> <p>1) Service Reports are still awaited.</p> <p>2) A.P.S. has not been allowed.</p> <p>8/7</p>	<p>4.6.97</p> <p>9-7-97</p>	<p>Heard Mr M.Chanda, learned counsel for the applicant and Mr <del>Sxx</del> J.L.Sar- kar, learned Railway counsel for the respondents.</p> <p>Application is admitted. Issue notice on the respondents by registered post. Written statement within one month.</p> <p>List for written statement and further orders on 9.7.97.</p> <p>None is present. Written state- ment has not been submitted.</p> <p>List on 6-8-97 for written statement and further order.</p>

Member

Member

V

6.8.97

Adjourned to 20.8.97.

By order

20.8.97

Mr M.Chanda for the applicant.

Written statement has not been submitted.

List on 10.9.97 for written statement and further orders.

60  
Member

29.7.97

Notice duly served on Regd No. 1, 3, 4.

pg

Box

w/s. has not been filed 10.9.97

SB  
5/8

On the prayer of Mr J.L.Sarkar, learned Railway counsel further time allowed to file written statement.

List on 29.10.97 for written statement and further orders.

60  
Member

w/s. has not been filed

SB  
19/8

pg

w/s has not been filed 12/9

SB  
7/9

29.10.97

On the prayer of Mr J.L.Sarkar learned Railway counsel adjourned to 26.11.97 for filing written statement.

60  
Member

No w/s has been filed

SB  
24/10

No. 29/s has been filed pg

SB  
25/11

26.11.97

Learned counsel Mr M. Chanda for the applicant. Mr J.L. Sarkar, learned Railway Counsel, prays for further time to file written statement. Allowed. List for written statement and further orders on 31.12.97.

60  
Member

SB  
26/12

w/s has not been filed

SB  
6/11

nkm

26/11 31.12.97 Adjourned to 7.1.98

24.6.98

Mr S.Sengupta prays for adjournment on behalf of Mr J.L.Sarkar, learned Railway counsel. Mr M.Chanda has no objection.

List on 1.7.98 for hearing.

Member

pg

25/6

1.7.98

Learned counsel Mr M. Chanda, for the applicant. Mr J.L. Sarkar, learned Railway Counsel, again prays for adjournment for one month on the ground that he has not received the written statement. Mr Chanda has no objection. Adjourned for hearing to 22.7.98.

Member

nkm

21/7

15-7-98

Written statement has been submitted.

Copy duly served on counsel of the applicant. Hearing of the Original Application will take place on 27-7-98 which has already been fixed.

Member

lm

22.7.98

Mr M.Chanda, learned counsel for the applicant prays for adjournment. Mr J.L. Sarkar, learned Railway counsel has no objection.

Hearing adjourned to 29.7.98.

Member

pg

23/7

Written statement

filed on behalf of the respondents No-1 to 4, with a prayer for acceptance w/s vide mp-165/98.

21/7

w/s has been filed

21/7

w/s has been filed

28/7

7.1.98 Mrs N.D.Goswami for the applicant.  
Mr J.L.Sarkar, learned Railway counsel  
prays that he may be allowed last oppor-  
tunity to file written within one month.  
Prayer allowed.

List on 4.2.98 for written state-  
ment and further orders.

*6*  
Member

3.2.98  
No written statement  
filed by the  
respondents.

pg  
18/11

4.2.98

Mr M.Chanda, learned counsel for the  
applicant and Mr J.L.Sarkar, learned Railwa  
counsel are present.

Written statement has not yet been  
submitted.

List for hearing on 6.5.98. In the  
meantime the respondents may file written  
statement with copy to the applicant.

*6*  
Member

pg

6.5.98

Mr J.L. Sarkar, learned Railway  
Counsel, prays for an adjournment. Mr M.  
Chanda, learned counsel for the  
applicant, has no objection. The case is  
adjourned for hearing to 10.6.98.

*6*  
Member

nkm

10.6.98

Ms N.D. Goswami, learned counsel  
for the applicant prays for short  
adjournment. Hearing adjourned to  
24.6.98.

*6*  
Member

nkm

1) W/S has not been filed.  
2) Notice duly served on  
R.Nos. 1, 3 & 4. Mr R.No 2  
is still awaited.

1) W/S has not been filed.  
2) Notice duly served  
on R.Nos 1, 3 & 4. Mr R.No 2  
is still awaited.

1) Notice duly served  
on R.Nos. 1, 3 & 4. Mr  
R.No 2 is still awaited.  
2) No W/S has been filed.

Notes of the Registry	Date	Order of the Tribunal
<p>Rejoinder filed on behalf of the applicant at page 31 &amp; 37.</p> <p>2/8/98</p> <p>W/s and rejoinder has been filed.</p> <p>11/8</p>	<p>29.7.98</p> <p>17</p> <p>pg 17</p> <p>12-8-98</p> <p>lm</p> <p>28-10-98</p> <p>lm</p> <p>25.11.98</p> <p>pg 25</p> <p>25TH</p> <p>2.12.98</p>	<p>Mr S.Sarma prays for adjournment on behalf of Mr M.Chanda due to his personal difficulty.</p> <p>List on 12.8.98 for hearing.</p> <p>Member</p> <p>Heard counsel of both sides. Hearing concluded. Judgment reserved.</p> <p>Member</p> <p>On the prayer of Mr.M.Chanda learned counsel for the applicant list on 25-11-98 for hearing.</p> <p>Member</p> <p>On the prayer of the counsel for the parties the case is adjourned to 2.12.98 for order.</p> <p>Member</p> <p>The applicant was retired with effect from 1.8.1995. According to him he was due to retire on 31.7.1996. He submitted an Original Application No. 16/96 against the order retiring him from service on alleged attainment of superannuation. In the order dated 19.8.98 the Division Bench of this Tribunal had allowed the contention of the applicant and set aside the order dated 31.8.95 retiring the applicant from service with effect from 1.8.1995 due to attaining the age of superannuation.</p>

Notes of the Registry	Date	Order of the Tribunal
<p>✓</p> <p>17.12.98</p> <p>Copies of the order have been sent to the D/Sec. for security the same to the parties through Regd. with A.D.</p> <p>Issued vide 2 Nos. 3511 to 3515 Dtd 18/12.98</p> <p>29/12/98</p>	<p>2.12.98</p> <p>pg</p>	<p>The respondents were also directed to pay the dues to the applicant and the applicant shall be allowed to draw consequential service benefits including pensionary benefits. In the present application No.118/97 the applicant prays for 18% interest on the amount of commutation of pension, Death-cum-retirement-gratuity, transfer benefit etc. with effect from the date of retirement i.e. 1.8.1995 till the date of actual payment. In view of the order in O.A. 16/96 the present O.A. has been placed for order.</p> <p>Mr M.Chanda, learned counsel for the applicant has submitted that in view of the order dated 19.8.98 in O.A.16/96 passed by the Division Bench of this Tribunal he may be allowed to withdraw the present O.A.118/97 with liberty to raise the same contention as has been raised in the present O.A. if occasion arises. None present for the respondents. Heard Mr Chanda. His prayer is allowed.</p> <p>The O.A. is dismissed on withdrawal. No order as to costs.</p> <p>Member</p>