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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDERS OF THE BENCH

12.09.2011

OA No. 475/2008 with MA No. 108/2009,
MA No. 114/2010 & MA No. 243/2011

Mr. Abhishek Pareek, proxy counsel for
Mr. S.P. Sharma, counsel for the applicant.
Mr. B.K. Pareek, proxy counsel for
Mr. T.P. Sharma, counsel for respondent nos. 1 to 4, and also
Mr. Anupam Agarwal, counsel for respondent nos. 1 to 4.
Mr. Hawa Singh, counsel for respondent no. 5.

Heard. The Original Application as well as the Misc.
Applications are disposed of by a separate order on the separate
sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

Zamir

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 475/2008
With
MA No. 108/2009, MA No. 114/2010 & MA No. 243/2011

DATE OF ORDER: 12.09.2011

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Dr. Vipin Pandey, aged about 61½ years, S/o Shri Kali Charan Pandey, R/o 2/135, Vidyadhar Nagar, Jaipur.

...Applicant

Mr. Abhishek Pareek, proxy counsel for
Mr. S.P. Sharma, counsel for the applicant.

VERSUS

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi
2. Chairman, Railway Board, Rail Bhawan, New Delhi.
3. General Manager, North Western Railway, Headquarters, Jaipur.
4. General Manager, East Central Railway, Hajipur (Bihar).
5. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.

...Respondents

Mr. B.K. Pareek, proxy counsel for
Mr. T.P. Sharma, counsel for respondent nos. 1 to 4, and also
Mr. Anupam Agarwal, counsel for respondent nos. 1 to 4.
Mr. Hawa Singh, counsel for respondent no. 5.

ORDER (ORAL)

By way of this Original Application, the applicant has claimed the retiral benefits with interest.

2. Learned counsels appearing for the respondents submit that the present Original Application has become infructuous as the retiral benefits have already been paid to the applicant by the respondents.



3. The respondent nos. 1 to 4 have filed M.A. No. 243/2011 in which they have categorically stated that the due retiral benefits as claimed by the applicant have been paid to him, and the details of payments, as given by the respondents to the applicant, are as under:

- (i) The interest on DCRG as provisionally vetted by the Accounts Department, as per RSPR, to the tune of Rs. 14,685/- has been paid vide Cheque No. 339816 dated 28.03.2011 and the same has been sent to the applicant through Speed Post on 19.04.2011.
- (ii) The encashment of LHAP for 83 days to the tune of Rs. 1,05,013/- has been paid vide Cheque No. 339813 dated 04.03.2011 and the same has been sent to the applicant through registry on 07.04.2011.
- (iii) The balance amount of Composite Transfer Grant to the tune of Rs. 1,08,427/- has been paid vide Cheque No. 339813 dated 04.03.2011 and the same has been sent to the applicant through registry on 07.04.2011.

The respondents have clarified that both the above mentioned payments at item nos. (ii) & (iii) have already been paid vide Single Cheque No. 339813 dated 04.03.2011 amounting to Rs. 1,05,013/- and Rs. 1,08,427/-.

4. On the last date i.e. 01.09.2011, this Tribunal has granted time to the applicant to verify the fact whether the payment has been received or not by the applicant, but the learned



counsel appearing for the applicant still seeks time to verify the same.

5. Having considered the rival submissions of the respective parties, and upon careful perusal of the relief claimed by the applicant and also upon careful perusal of the M.A. No. 243/2011, it appears that the retiral benefits as claimed by the applicant have already been extended in his favour. However, if the applicant is further aggrieved by shortfall of any retiral benefits, he is at liberty to file substantive Original Application.

6. With these observations, the Original Application stands disposed of. Consequently, the Misc. Applications are also disposed of. No order as to costs.



(ANIL KUMAR)
MEMBER (A)



(JUSTICE K.S. RATHORE)
MEMBER (J)