



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/734/2019

Date of Order: 20.01.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Ganga Narayan Sahu @ Sahoo, son of Late Purusottam Sahu, aged about 68 years, working for gains as Ex-Helper Gr. 1 under Mechanical Department, South Eastern Railway, Kharagpur, District - Paschim Medinipur, residing at -vill. Pendra, P.O Pendra Rola Sahi, vill, Shirsa, P.S Jharpakuria, Dist Mayurbhanj, Pin 757031.

--Applicant

Versus

1. The Union of India, service through the General Manager, S.E. Railway, Garden Reach, Kolkata-700 043.
2. The General Manager, S.E. Railway, Garden Reach, Kolkata-700 043.
3. The Divisional Railway Manager, S.E. Railway, Kharagpur, District - Paschim Medinipur, Pin - 721301.
4. The Sr. Divisional Personnel Officer, S.E. Railway, Kharagpur, District - Paschim Medinipur, Pin - 721301.

--Respondents.

For The Applicant(s): Mr. T. K. Biswas, counsel

For The Respondent(s): Ms. G. Roy, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Judicial Member

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“(A) The respondents be directed to disburse the pension and other retirement benefits of the applicant at par with that of other regular/permanent employees of the Railway and to pay and/or extend to the applicant all arrear pension as on 30/04/2012 under Ex-TP under Operating Department, S.E. Railway, Kharagpur, emoluments and/or benefits with immediate effect;

(B) The respondents be further directed to extend to the applicant the pensionary benefits as mentioned in the said Letters of the Railway Board dated 18.5.1990 and 19.11.1990 as in Annexures A-1 and A-2 hereto, subsequently clarified by Railway Board's Circular dated 17.1.2006 as in Annexure A-3 hereto which are being enjoyed by other regular/permanent employees with all arrears to the applicant by the Railway Administration with interest as on 30/04/2012 till date of actual payment is made;

(C) Any other or further order or orders to which the applicant may be found entitled to this Learned Tribunal."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up for disposal at the admission stage.

3. The submissions of the applicant, as articulated through his Ld. Counsel is that, the applicant was initially engaged in 1976 as a Commission Vendor, and, subsequently, absorbed and regularized on 03.12.1997 in pursuance to Hon'ble Apex Court's orders in Writ Petition (Civil) No. 196 of 1995. That, the Hon'ble Apex Court also, in various judicial pronouncements, had directed the respondent authorities to refix the pay scale of the petitioners as per the recommendations of the 5th CPC. The Railway Board too, vide its orders dated 18.5.1990, 19.11.1990 and also in their circular dated 17.1.2006, extended service benefits including retirement benefits to other permanent employees. The applicant, however, was arbitrarily denied such refixed pay scales and pensionary benefits despite being similarly circumstanced. Such inaction of the respondent authorities according to the applicant, were allegedly violative of the orders of the Hon'ble High Court in WPCT No. 28 of 2011 (**Badal Das & Ors. v. UOI & ors.**), further affirmed by the Hon'ble Apex Court in SLP (Civil) No. 25019 of 2013.

That, the applicant represented variously, but the respondent authorities did not consider or dispose of his representations. Consequently, being aggrieved, the applicant has approached this Tribunal praying for the aforementioned relief. Ld. Counsel for the applicant would further urge that the applicant would be fairly satisfied if



a direction is issued to the respondent No. 2, who is the General Manager, S.E. Railway to consider and dispose of his pending representation dated 16.04.2019 (Annexure A-9 to the O.A.) within a specified time frame.

Ld. Counsel would also furnish before us a speaking order dated 16.10.2019 of the S.E. Railways issued in compliance to this Tribunal's orders in O.A. No. 809 of 2019 (G.P. Bej vs. UOI & ors.), 813 of 2019 (Arati Dutta vs. UOI & ors.), 814/2019 (Sunil Dey vs. UOI & ors.) and in 476/2019 (Puma Chowdhury vs. UOI & ors.) wherein it has been stated that the matter on refixation involves a policy decision and hence the matter has been referred to the Ministry of Finance and views are awaited therefrom.

4. Ld. Counsel for the respondents would submit that the matter is pending policy decision at the level of the Ministry of Finance and, accordingly, any reference made to qualifying service would await a final decision from their end. Ld. Counsel, however, does not object to disposal of the representations by the competent respondent authority.

5. Accordingly, without entering into the merits of the matter, and, considering the fact that the representations remains pending at the level of the concerned respondent authority, we direct the respondent No. 2, General Manager, Garden Reach, Kolkata, to refer these representations, if received at his end, for policy decision to the appropriate authorities as per action taken in O.A. No. 809 of 2019, O.A. No. 813 of 2019 and O.A. 814 of 2019 respectively within a period of 8 weeks from the date of receipt of a copy of this order.

Once a policy decision is arrived at, the respondent authorities shall communicate their decision to the applicant forthwith, and, in case



of a favourable decision, consequent benefits may be released to the applicant within a further period of 16 weeks thereafter.

6. With these directions, this O.A. is disposed of. There will be no orders as to costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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