

**Open Court**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Dated : This the **29<sup>th</sup>** day of **July** 2020

**Original Application No. 330/00309 of 2020**

**Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)**

Bhagwati Prasad, S/o Late Pooni Ram, R/o Kanonga Ka Pura, WardNo. 11, Town Area, Sirathu, Kaushambi.

. . .Applicant

By Adv : Shri P.K. Mishra and Shri Rajesh Kumar

**V E R S U S**

1. Union of India through General Manager, North Central Railway, Headquarters Office, N.C. Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, DRM's Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Personnel Officer, North Central Railway, DRM's Office, Nawab Yusuf Road, Allahabad.

. . .Respondents

By Adv: Shri S.M. Mishra

**ORDER**

Shri P.K. Mishra and Shri Rajesh Kumar, learned counsel for the applicant and Shri S.M. Mishra, learned counsel for the respondents, who has appeared on advance notice, are present. Heard learned counsel for the parties on admission and perused the record available in pdf. form.

2. Learned counsel for the applicant submits that vide impugned order dated 29.03.2019 (Annexure A-1) the applicant was compulsorily retired. At that time his basic pay was Rs. 52,000/-, but after his retirement it was reduced to Rs. 47,600/- and accordingly his pension was calculated at reduced amount and not on the basis of last pay drawn by the applicant. Learned counsel for the applicant in support of his contention has relied upon some judgments rendered by Hon'ble Apex Court including the case of ***State of Punjab and others etc. vs. Rafiq Masih (White Washer) etc. reported in AIR 2015 SC 596.***

3. Learned counsel for the respondents has vehemently opposed the OA by contending that the applicant has approached this Tribunal without exhausting remedy of filing appeal against the impugned order.

4. At this stage learned counsel for the applicant submitted that the applicant will be satisfied if the concerned authority / respondents be directed to decide his representation by a reasoned and speaking order. He further submitted that although his representation dated 26.11.2019 (Annexure A-8) is still pending consideration before the respondents, the applicant may be permitted to make fresh representation ventilating all his grievances and the respondents be directed to pass reasoned and speaking order on his fresh representation within stipulated period of time.

5. In view of the above no purpose is going to be served in keeping this OA pending, and it is decided at the admission stage itself with direction that if the applicant makes a fresh representation within a period of 15 days from today, the respondent concerned who is the competent authority, will decide it by a reasoned and speaking order within a period of 2 months from the date of receipt of fresh representation along with certified copy of this order.

6. It is made clear that this Bench has not expressed any opinion on the merits of the case.

7. With the above direction the OA is disposed of at the admission stage itself. No costs.

8. Copy of this order be given to learned counsel for both the parties forthwith.

**(Justice Vijay Lakshmi)**  
Member (J)

/pc/