

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  
Original Application No.180/00047/2021**

Thursday, this the 28<sup>th</sup> day of January, 2021

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

**HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

P.N.Satheesan, aged 59 years

S/o.P.K.Nanappan, Retired Loco Pilot (Mail) (SNP)

Ernakulam Junction, Southern Railway

Peruvalliyil House,

Kumarakom P.O

Kottayam Dt. , Pin 686 563

Mob: 8921369208

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

**v e r s u s**

1. Union of India, represented by the  
General Manager, Southern Railway  
Headquarters Office, Park Town P.O  
Chennai – 600 003
2. The Senior Divisional Personnel Officer  
Southern Railway, Thiruvananthapuram Division  
Thiruvananthapuram – 695 014
3. The Senior Divisional Finance Manager  
Southern Railway, Thiruvananthapuram Division  
Thiruvananthapuram – 695 014

4. The Financial Advisor and Chief Accounts Officer  
Office of the General Manager, Southern Railway  
Headquarters Office, Park Town P.O  
Chennai – 600 003

...Respondents

(By Advocate : Mr.Sunil Jacob Jose)

This application having been heard on 28.1.2021, this Tribunal on the same day delivered the following :

### **ORDER (ORAL)**

#### **HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

The applicant, a retired Loco Pilot (Mail), medically decategorised and charged against a supernumerary post, is aggrieved by the non-feasance on the part of the respondents to grant him the benefit of option under Rule 17 of the Railway Services (Pension) Rules, 1993 in the matter of fixation of his pension. Hence he approached this Tribunal praying for the following reliefs:

" i. Declare that the non-feasance on the part of the respondents to act on Annexure A-7 and to grant the applicant pension and gratuity as opted therein, is arbitrary, discriminatory and unconstitutional

*ii. Direct the respondents to act on Annexure A7 and to grant the applicant pension and gratuity as opted therein within a time frame, as may be found just and appropriate by this Hon'ble Tribunal;*

*iii. Award costs of and incidental to this application.*

*iv. Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case. . "*

2. When the matter came up for consideration, counsel for the applicant submits that this matter is squarely covered by the decision of this Tribunal as confirmed by the Hon'ble High Court in O.P (CAT) 109/2015. The applicant had given a representation on 16.1.2020, but it was not considered so far.

3. The counsel submits that the applicant is ready to give a detailed representation along with copies of various decisions of this Tribunal and Courts in similar matters so that the respondents can take appropriate decision.

4. Adv.Mr.Sunil Jacob Jose takes notice on behalf of the respondents and submits that the respondents have no objection for considering the representation to be filed, on merits.

**5. In view of the above submission, applicant is directed to file a fresh detailed representation showing his grievnces along with copies of various decisions of the Courts on the subject within a period of two weeks from today and the Competent Authority will consider the said representation on the basis of relevant rules and regulations and in the light of various decisions of the Courts on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of such representation of the applicant.**

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

**(K.V.EAPEN)**  
**ADMINISTRATIVE MEMBER**  
**SV**

**(P.MADHAVAN)**  
**JUDICIAL MEMBER**

**List of Annexures**

Annexure A1 - A true copy of the order bearing No.V/MD 84/1/UF dated 14.5.2014 issued by the second respondent

Annexure A2 - A true copy of the order bearing No.V/P 439/VI/Vol.I dated 11.12.2014 issued by the second respondent

Annexure A3 - A true copy of an office order bearing No.06/2018/Elle(OP) dated 18.1.2018 issued by the second respondent

Annexure A4 - A true copy of the PPO No.20187060400031 dated 27.2.2018 issued by the third respondent

Annexure A5 - A true copy of the representation addressed to the second respondent dated 19.4.2018

Annexure A6 - A true copy of an order bearing No.V/P 721/GC/Settlement/1 dated 14.11.2019 issued by the second respondent

Annexure A7 - A true copy of the representation dated 16.1.2020 addressed to the second respondent.

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