

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/273/2020

HYDERABAD, this the 15th day of June, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Smt. K. Nirmala,
W/o. K. Gopala Krishna, Aged 56 years,
Occ: Commercial Clerk (Compulsory Retd.),
Ro. D.No.8-218/2, Prakash Nagar,
Erramukkalli, Kadapa,
YSR District, Andhra Pradesh.

... Applicant

(By advocate: Mr. M.C. Jacob)

Vs

1. Union of India rep. by
General Manager,
South Western Railways,
Rail Soudha, Hubballi,
Karnataka – 580 020.
2. The Divisional Railway Manager,
South Western Railway,
Hubli Division,
Divisional Office, Hubballi,
Karnataka – 580 023.
3. Sr. Divisional Personnel Officer,
O/o. Divisional Railway Manager,
South Western Railway, Hubli Division,
Hubballi, Karnataka – 580 023.

... Respondents

(By advocate: Mr. S.M. Patnaik, SC for Railways)

ORDER (ORAL)
(Hon'ble Mr. B.V. Sudhakar, Administrative Member)

The OA is moved through Video Conference.

2. The OA is filed in regard to the non-grant of pension to the applicant.

3. Brief facts of the case are that the applicant, while working as Commercial Clerk in the respondents organization, was issued with a charge memo for unauthorised absence and after due inquiry, penalty of compulsory retirement was imposed w.e.f. 15.11.2007 vide order dt. 02.11.2007. Applicant did not challenge the said order in view of her health problems. The grievance of the applicant in this OA is that, till date, pension has not been granted to her though she has represented for the same on 19.05.2017, 20.08.2019 and 14.02.2020. Aggrieved by the inaction, the OA has been filed.

4. The contention of the applicant is that as per Rule 64 of the Railway Services (Pension) Rules, 1993, she has to be granted the eligible pension.

5. Mr. S.M. Patnaik, Learned counsel, appearing for the respondents sought time to file a reply to the OA.

5. After hearing both the counsel, it is observed that the respondents have not disposed of the representations made by the applicant, the latest one being dt. 14.02.2020. It is rather surprising that the respondents have not decided the issue of grant of pension to the applicant though she was compulsorily retired way back in 2007. Even after lapse of 13 years, applicant claims that she has not got the pension albeit a number of representations were made about the same since her compulsory retirement. Ld. counsel for the applicant has submitted that the



respondents have also collected pension papers from the applicant. It requires no reiteration that the respondents are duty bound to decide the issue in a reasonable period of time since it is related to grant of pension.



6. Nevertheless, in order not to further procrastinate the matter, the respondents are directed to dispose of the representation of the applicant dt. 14.02.2020 in regard to grant of pension by keeping in view the contentions raised by the applicant in the present OA and also as per Rules as well as in accordance with law, within a period of 8 weeks from the date of receipt of this order. With this direction, the OA is disposed of at the admission stage. It is made clear that we have not gone into the merits of the case at this stage.

7. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

/evr/