

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI

OA No.640/2011

with

OA No.212/2018

OA No.580/2017

Dated this Monday the 02nd day of March, 2020

Coram: R. Vijaykumar, Member (A).  
Ravinder Kaur, Member (J).

(Applicants in OA No.640/2011)

1. Mahender Kumar Rameshwerlal  
P.F. No.1006175  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
C/o. Prahalad Kuradia,  
Room No.11, Chaw No.2,  
Behind Ganpati Mandir,  
2<sup>nd</sup> Floor, Bachcho Bhai  
Sole Shop, Thakkar Bappa Colony,  
Chembur, Mumbai-400 071.
2. Amitosh Kumar  
P.F. No.10005961  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
RB-IV/402, Railway Officers Qtr.,  
Sector 1, New Panvel, Panvel,  
Distt. Raigarh, Maharashtra.
3. Hari Ram Meena  
PF No.10007532  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
G-123, Railway Quarter

Railway Colony, Murbad Road,  
Kalyan (W), Dist. Thane,  
Maharashtra Pin 421 301.

4. Sanjeev Kumar,  
PF No.10007581  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
Railway Quarters, RB/II/978/9  
Koleswadi, Kalyan (East),  
Distt. Thane,  
Maharashtra 421 306.
5. Manoj Kumar Dobwal  
PF No.10007593  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
RB-II 5/17, New Railway  
Quarters, Vidya Vihar (East),  
Mumbai-400 077.
6. Hemraj Meena  
PF No. \_\_\_\_\_  
Guard 'sub' OPTG,  
SM 'sub', Central Railway  
Mumbai CSTM,  
Residing at  
C-401, Durga Heritage  
Chinchara Road,  
Kalyan East,  
Distt. Thane,  
Maharashtra 421306.

**(Applicants in OA No.212/2018)**

1. Santosh Kumar Sharma, Age-39 )  
yrs,S/O Late Ram Swarup Lal, working  
as Deputy Station Manager, Turbhe  
Station ,Central Railway, residing at  
A/10 Sai Krishna Krupa CHSB/H  
Spandan Hospital, New D P Road,  
Katrak (Maharashtra) 421503

Badlapur(E), Thane

2. Hrishikesh Chandra Age-39  
S/O Late Rajeshwar Sharma, working as  
deputy chief yard master, Trombay  
yard,central railway,residing at A/08  
Saikrishna Krupa CHS,B/H Spandan  
Hospital, New D P Road, Katrap  
Badlapur(E), Thane (Maharashtra)  
421503.
3. Rajeev Kumar Diwakar, Age -38  
Sinha,38Yrs,S/O Indradeo Prasa Sinha,  
working as deputy station manager  
Chhatrapati Shivaji Terminus Mumbai,  
Central railway, residing at A/1-103  
Krishna state, Hendrepada, Badlapur(W)  
Thane 421503.
4. Anand Kapil Chauhan, Age-41  
Yrs, S/O kapil Seth, working as deputy  
station manager, Diwa station, Central  
Railway, residing at R3/-A-202 Aditya  
Bldg, marathon nagari, Badlapur(w),  
Thane-421503
5. Ashwini Kumar Singh Age-40  
Yrs, S/O Vijay Kumar Singh, working  
as Deputy Station Manager, Byculla  
station, central railway, residing at  
MS/RBIII-37,9th floor,Berkley Place,  
Railway Qtr , Byculla(w), Mumbai-400008.
6. Gunendra Kishore narain, Age-  
47 yrs, S/O Late Nirbhay K. Narain,  
working as chicef controller, Chhatrapati  
Shivaji Terminus Mumbai, central  
office,Central Railway,residing at A/203  
Atulya Marathan Nagari, Badlapur(E)  
Thane 421503
7. Alok Ranjan, Age -40 yrs, S/O  
Ravi Nandan Singh, working as Deputy  
station manager, Dombivali, Station,  
Central Railway, residing at,C/202, Shri  
Krishna complex, Near Deepali Park,  
Manjarali,Badlapur(W),Thane-421503

8. S/O Late Baidhyanath Mahto,, working as Deputy Station manager,Mulund Station, Central railway, residing at D-2/303 Badlapur(W), Thane-421503. Manohar Kumar, Age-37 years, Krishna Estate,Hendrepada, Badlapur (W), Thane-421503.
9. Alok Chandra, Age 45 Years, S/O Biranchi mandal, working as Deputy yard Master, kalyan yard, Central railway, Central railway, residing at R/5-A/404 Atulya Blgd,Marathon, Nagari, Badlapur(E), Thane-421503 .
10. Anuj Kumar Sinha Age-37 yrs, S/O Anand Kumar Sinha,working as deputy station Station,central railway, residing at 101-Sidhhi Ganesh Bldg No.1, Near Ashtvinayak complex,katrap,Badlapur(E), 421503
11. Ajay Mohan, age-37 yrs, S/O Radheshyam Sharma, working as Deputy Station Manager, Dapoli Station,Central railway,residing at H/No-9, Owale Village,PO- Pargaon, Panvel-Uran Road, Raigad, Maharashtra 410206.
12. Manoj Kumar Dubey,Age-44yrs, S/O Jatashanker Dubey,working as deputy Station,Central railway,residing at 53/F Wing Sai Udayan CHS,Sai nagar,Old Panvel,Raigad(MH) 410206 station Manager,Panvel, Raigad (MH) 410206.
13. Sita Ram meena, Age-40yrs,S/O Motilal meena, working as Deputy Station Manager, Panvel Station, Central Railway, residing floor,Haridwar CHS Ltd., Sakshi Nagar, Devad, Panvvel Raigad (MH) 410 221.
14. Rakesh Kumar Towai, Age 41 yrs, S/O Dhyanjee Tiwari, working as Deputy station manager,Belapur station, central railway, residing at 201- Gandhar,Plot No-196,Sec-21,Kamothe, Taluka-Panvel, Raigad(MH) 410206.

15. Arun Kumar, Age 40 yrs, S/O Kameshwar Prasad, working as chief Controller, control office, Chhatrapati Shivaji Terminus Mumbai, Central Railway, residing at 102-New Anant Chhaya CHS, Near Vatsalya Hospital, Katrap, Badlapur(E) Thane 421503
16. Vijay Kumar Choudhary, Age 45 yrs, S/O Ganga Prasad Choudhary, working as chief controller, central office, Chhatrapati Shivaji terminus, Central Railway, residing at B/202-Shri Krishna complex Ltd, near Vidhhi Apartment, Deepali Park, Manjarali, Badlapur(w) Thane 421503.
17. Ashwani, age-41 Chandrashekhar, working as Deputy Station Manager, Badlapur Station, Central Railway, residing at C/203-Shri Krishna Complex. Manjarali, Badlapur (W) Thane-421 503.
18. Anuj Tyagi, Age-40 yrs, S/O Satindera Tyagi, working as deputy station Manager, Igatpuri Station, Central Railway, residing at A/403-Hari Krishna Apartment, Hari Om nagar, Near Moti Mangal Karyalaya, Artillery Road, Nasik Road(MH) 422101
19. Prarsram Meena, age-44yrs, S/O Heera Lal Meena, working as Deputy Station Manager, Panvel Station, Central Railway, residing at G 104 Nimbeshwar Shrishti, Vikashwadi, Devad, Vichunbe, Panvel (MH) 410206.
20. Ambuj Shrivastava, age-43 yrs, S/O Dinesh Chandra Shrivastatava, working as deputy chief yard, CST yard, Central Railway, residing at B/201- Mahan Valley, Hendrepada, near Bharat College Road, Badlapur(W), Thane-421503.
21. Manoj Kumar Singh, age-43 yrs, S/O Madan Mohan Singh, working as deputy station manager, Igatpuri Station, Central Railway, residing at RB-

3/510/3 Railwya Ground,6  
block,Igatpuri,(Nasik) 422403.

22. Jatadhari Rout, Age 37 years,  
S/O Jatadhari Rout, working as Deputy  
station manager, Central Railway,  
residing at RB-II/498/7, 6-Block,Near  
Railway Ground, Igatpuri, Nasik(MH)  
422403
23. Parmanand Kumar, Age 45 years,  
S/O Vidhya Prasad singh,working as  
deputy station manager, Central Railway,  
residing at 001-A//12-Royal Park,  
Ambernath (E), Thane-421501.
24. Sanjay Kumar Singh, Age 43 years,  
S/O Harinath Singh, working as Deputy  
Chief Yard, Master, Sanpada Carshed, Central  
Raiwlay, residing at QTR No.MS/RB/II/4/19  
Jui Nagar, Central Raiwlay Colony, Juinagar,  
(Navi Mumbai)706.
25. Ajay Kumar singh, Age 40 years,  
S/o Satyendra Narayan Singh,  
Working as Deputy Station Manager,  
Lonavala Railway Station, Central Railway,  
residing at D/65-Railway QTR, Railway Ground,  
Barak Road, Lonavala 410 401.
26. Deepak Kumar, Age 43 years,  
S/O Krishna Prasad, working as Deputy Cheif Yard Master,  
Trombay Yard, Central Railway,  
Residing at R/6/B-603, Ajinkya Building,  
Marathon Nagari, Yadav Nagar,  
Badlapur (E), Thane 421 503.
27. Shiv Kailash Gupta, Age 37 years,  
S/O Harilal Shaw, working as Deputy Station  
Manager, Thane Station, Central Railway, residing  
at 304-A/12 Roayl park, Navre Nagar, Ambernath (E),  
thane-421 501.
28. Sadhu Saran Prasad, Age 39 years,  
S/O Jay Prakash Prasad,  
working as deputy station manager,  
Kalyan Station, Central Railway,  
residing at-A-403 Sai Villa,  
Near Ayyappa Temple, Gauri Pada,  
Kalyan (W) Thane-421 301.
29. Ravish Kumar, Age 36 years,

S/o Suresh Singh, Working as Deputy  
Station Manager, Dombivali Station,  
Central Railway, residing at F-101 Atulya R5 Marathon  
Nagari, Badlapur (E), Thane-421503.

30. Hajri Ram Meena, Age 41 years,  
S/O Ram Swaroop Meena,  
working as Deputy Station Manager,  
Kurla Station, Central Railway,  
Residing at E-403 Mohan Valley,  
Near Bharat College, Hendrepada,  
Badlapur(W), Thane 421 503.
31. Vinayak S. Choudhari, age 41 years,  
S/O Shrirang M. Choudhari,  
working as Deputy Station Manager  
Lonavala Station, Central Rialway,  
residing at Chintamani Niwas, Survey 43A,  
Netki Colony, Opp Shr Ganesh Apts,  
Vikash Nagar, Dehuroad, PUNE 412101.
32. Devendra Kumar singh,  
Age 44 years, S/O late Rambilash Singh,  
working as Deputy Station Maager,  
Lonavala Station, Central Railway,  
QTR, Barabanglow, near Pani Tanki,  
Lonavala, PUNE 410 401.
33. Sujeet Shekhar, Age 42 years,  
S/O Late Shashi Shekhar Prasad,  
working as Deputy Chief Yard Master, Jasa Yard,  
Central Railway, residing at B-604 Satlaj  
Residency CHS, Sector-35, Plot-8 &  
8B, Kamothe, Mansarovar, Navi Mumbai 410 209.
34. Murari Singh, Age 40 years,  
S/O Ram Balak Singh,  
working as Deputy Station Manager,  
Bhandup Station, Central Railway,  
residing at D-302 Shri Krishna Complex,  
Manjarali, Near Deepali Park,  
badlapur (W), Thane 421 503.
35. Santosh Kumar Pandey, Age 4 years,  
S/O Late Gupteshawar Pandey,  
working as Deputy Station Manager,  
Nerul Station, Central Railway  
residing at E-103 Chandres Sarovar CHS, Lodha Heaven,  
Dombivali (E), Thane-421204.
36. Sunil Tripathi, Age 43 years,  
S/O Ramakant Tripathi, working as Deputy

Station Manager, Atgaon Station, Central Rialway,  
 Residing at Qtr. No.D/4, Railway Colony, Post Kasara,  
 Dist. Thane-421 602.

37. Cishwas Narsing Surve, Age 43 years,  
 Son of Barsing Narayan Surve, Working as  
 Dy. Station Manager, Ghatkopar,  
 Mumbai Residing at: 07/707, Shailendranagar  
 Shivasamarth CHS, New MHADA Colony,  
 Shailendranagar, Dahisar (E),  
 Mumbai-400 068.

**(Applicants in OA No.580/2017)**

1. Rajesh Kumar Chaurasia.  
 S/o Kedar Prasad Chaurasia aged 39  
 Residing at Flat No. 405, Gandhar CHS  
 Plot No. 196, Sector 21 Khandeshwar  
 Dist-Raigad, NAVI MUMBAI, 410206.
2. Sunil kumar s/o shri Mahesh sharma  
 aged 43, residing at C.20, Nandanvan  
 Complex, Old Panel, P.O Panvel,  
 Near Hero Honda showroom,  
 Distt. Raigarh PIN 410206.
3. Harish Chand Meena S/o Bhajan Lal  
 Meena, aged 36, Residing at B. 106,  
 Madhuban Kunj, Mangeshi City,  
 Kolivali Village Road, Near Shri  
 Complex Chowk, Kalyan West 421301
4. Mahendra Kumar s/o Pitaram,  
 aged 39, residing at B-506, Mangeshi  
 City Phase-1, Near Shree Complex  
 Kolivali Road Kalyan (W) 421301
5. Sunderlal s/o Netaram, aged 38,  
 Residing at Bldg No. 2, Room No. 105  
 Appaji Dham, Adharwadi, Jail Road,  
 Shree Complex Chowk, Kalyan West,  
 Pin Code 421301.
6. Nemchand s/o Damodar Prasad Verma  
 aged 48 Residing at: D/12, Berkeley Place  
 Central Railway Quarters Ambedkar Road  
 Byculla (East) Mumbai - 400008  
 Permanent address: c/o. Damodar Prasad

Engineer's House Village Matasula  
Tehsil Jamwal Ramgarh District Jaipur  
Rajasthan – 303109.

7. Phool Chandra Rajak  
S/o ram shiromani Rajak  
Aged 39 residing at 201 wing 4/ I  
phase 3, mohan tulsi vihar  
badlapur west 421503
8. Vikas kumar mishra  
S/O Virendra mishra aged 37.  
Residing at A/8, PARTH. FLAT NO 106,  
YOGIDHAM KALYAN WEST
9. Raj Kumar Choudhary  
S/O Digambar Choudhary  
Aged 39 residing at C-10, Toronto  
Flat no. 604, Yogidham,  
Kalyan (W), 421301
10. Manideo Tiwary  
S/o- Bishnudeo Tiwary  
Aged 42 Residing at A/5,505.  
Madhav sansar Hsg,soc,  
Khadakpada, Kalyan(w),  
Maharashtra Pin -421301
11. Prajot Pandey  
S/O --Sri Panchanan Pandey  
Aged 41 Residing at -B/15/903  
Ajmera HTS II, Yogidham,  
Kalyan West 421301  
Dist Thane, Maharashtra
12. Ranjeet Singh  
S/o Shiv Chandra prasad Singh  
Aged 40 Residing at Build-32 flat-16  
Radha nagar Co-Op Hsg sco Ltd.  
khadakpada,kalyan (west):- 421301
13. Kumar Anil Kishor  
S/O Shri Surya Nath Lal,  
Aged 38 Residing At, R/ 205, A-7,  
Kingston, Yogidham, Kalyan (W)

14. Kamal Nayan  
S/O -Brajnandan Kumar Kashyap  
Aged 39 Residing at  
Flat no. 32, Lat no. 32, Harikupa CHSL  
Plot No-482/02, Sainagar, Panvel  
Maharashtra Pin -410206
15. Prabhakar singh  
S/o Shri. Sitaram singh, aged 46  
Residing at-Rachana CHS, flat no 302,  
Plot no 55, Sector 9,  
New Panvel, Raigad, Maharashtra.
16. Pankaj Kumar Pandey  
Father's Name- Radhey Shyam Pandey  
Aged 43 Residing at -A 202,  
Kartikya Garden Housing Society,  
Near Jari Mari Mandir, Sukapur, New  
Panvel, Raigarh, Maharashtra.410206
17. Raghwendra Kumar Sinha  
S/O Pyare Sharan Sinha  
Aged 43 Residing At A003, Plot-167/168,  
Sri Siddhivinayak Arcade, Sector-04,  
New Panvel, Panvel,  
Dist.- Raigad (Maharashtra)  
PIN-410206
18. Sudeep Kumar s/o shri shambhoo Prasad  
Aged 44 Residing at. ADD - D-9,  
Nandanvan complex ,  
Old Panvel - 410206,  
Raigad (Navi Mumbai)
19. Niraj Kumar  
s/o Damodar Thakur Aged 39  
Residing at flat no 303,  
Siddhi Chhaya CHS Ltd,  
plot no 48 sector 20,  
kamothe, navi mumbai, Maharashtra
20. Mukesh Chandra choudhary  
S/O Harish Chandra choudhary  
Aged 38 Residing at  
Flat-02,ground floor, Sahyadri CHS,  
plot-482/10,Sainagar,Panvel,

Dist-Raigad Maharashtra-410206

21. Ameet Kumar S/O Kedarnath Sinha  
Aged 42, Residing at- D-704,  
Hari Heritage, Plot-17A,18,19,20  
Sector-22, Kamothe,  
Navi Mumbai Pin-410209
22. SHANKAR KUMAR  
S/O- Shri Balmiki Prasad Singh  
Aged 36 Residing at  
B-602, Pamruchi Society  
Near Channel Residency  
Takka Road, Old Panvel  
PIN-410206, MAHARASHTRA
23. Rajeev Ranjan  
S/O- Shri Satyendra Prasad Priya.  
Aged 42 Residing at.- flat no-13,  
sp-10, Sahyadri CHS, Sai Nagar,  
Panvel(old), Dist- Raigad, MAH.  
Pin-410206
24. Ravi Shankar Srivastava  
S/o Shri Uday Shankar Srivastava  
Aged 39 Residing at  
Address-WOODLAND CHS LTD,  
SP-4, PLOT NO-482,  
SAI NAGAR,PANVEL-410206
25. Ajay.kumar singh  
Aged 42 Residing at  
Address : Jasmine A wing,  
flat no:302, Channel Upvan CHS LTD,  
Sai nagar, Old Panvel, Panvel 410206,
26. Dilip Kumar S/O Shri Ram Sharan Roy  
Aged 40 Residing at Add. Flat- 301,  
Siddhi Chhaya Plot no.-48 sec -20  
Kamothe Navi Mumbai 410209
27. Brajesh kumar  
Aged 41 Residing At  
Mansi palace, flat-301.plot-175&176,  
sec-9, New Panvel, Dist- Raigarh,  
Navi mumbai,Maharashtra-410206.
28. Sanjiv Kumar Sajjan,  
S/O Rajkumar Pravin

Aged 43 Residing at  
Add-pushpanarayan complex,  
Building no-19B,Flat no-201,  
Devad, Panvel.410206

29. Shivraj Singh  
S/O- Sher Singh  
Aged 42 Residing at  
C-204 , Radhey Residency,  
Gut-18 , Vichumbe, Panvel-410221
30. Satyendra kumar  
S/o -shri jagat narayan mahto  
Aged 38 Residing at Nandadeep-  
Brahma CHS,Flat-A002,Plot-78/85,  
Sector-9,New Panvel-410206,  
Raigad (Navi Mumbai).
31. Ghanshyam Saha  
S/O- Sri Dhanu Saha  
Aged 41 Residing at  
Hari heritage, D 1104,  
plot no. 17A,18,19,20,  
Sec 22, kamothe, Maharashtra 410206
32. Subodh Prasad Gupta  
S/O-Shambhu Sharan Saw  
Aged 48 Residing at  
Adress-Shivlok CHS Flat no.C/004,  
Sector 10, New Panvel, Panvel,  
Navi Mumbai Pin-410206
33. Gajendra Kumar Sah  
S/o Anuplal Sah  
Residing at A-402, Siyon Homes,  
Plot no. 87, SECTOR -22, Kamothe  
Panvel, Dist-Raigad  
Maharashtra
34. Umesh Kumar S/O Bitan Roy  
Aged 46 residing at  
Address-flat no.301, plot.no.55,  
Rachana CHS, Sec 9, New panvel,  
Dist Raigarh, maharashtra pin 410206.
35. Chandan Kumar Mishra  
S/O-Ashok Kumar Mishra  
Aged Residing at C.K.Mishra  
Flat no.-201, Kahan Enclave  
Plot no.-27, Sector-9, Kamothe,  
Navi Mumbai, Maharashtra

PIN-410209

36. Shekhar Kumar Yadav  
 Aged 37 residing at flat no. 301,  
 Kahan Enclave, Plot 27, Sector 9,  
 kamothe, Navi Mumbai 410209

37. Arjun Singh  
 Aged 48 Residing at  
 Madhubankunj, C.H.S  
 B/WING/606, Mangeshi city ph-1,  
 kolivali road, kalyan west-421301

38. Vishal Anand  
 S/o Uma Shankar Prasad  
 ged 39 Residing at  
 Add. C/2/19 Thames 2  
 Thames CHS Ltd,  
 Vill- Barave, Godrej Hill, Kalyan (W),  
 District : Thane, Maharashtra - 421301

39. Ajeet kumar  
 S/O-Modnarayan singh,  
 Aged 39 Residing at  
 Residing -mangeshi city' B'  
 Wing 603, phase 1  
 Near shri complex, Adharwadi jail road  
 Kalyan west  
 Dist- Thane maharastra 421301

40. Mukesh kumar meena  
 S/O-Ramswoop meena  
 Aged 39 residing at E-503,  
 Mangeshi Dream city, bldg No. 3,  
 Bihaind Bhagirathi ngr,  
 Near Adharwadi Jail, Koli wali,  
 kalyan, (west), Thane, Maharastra 421301  
 All the Applicants working in the cadre of  
 Guards on the Central Railway.

...Applicants.

(By Advocate Shri Nigel Quiraishi, Shri S. V.  
 Marne, Shir G. K. Masand).

**Versus**

**(Respondents in OA No.640/2011)**

1. Union of India, through  
 The Secretary,

Railway Board,  
 Rail Bhavan,  
 New Delhi-110001.

2. General Manager,  
 Central Railway,  
 Headquarters Office,  
 Mumbai CST 400 001.
3. Dy. Chief Personnel Officer (HRD)  
 General Manager's Office,  
 Central Railway,  
 Headquarters Office,  
 Mumbai CST 400 001.
4. The Chairman,  
 Railway Recruitment Board,  
 Eastern Railway Colony,  
 Bhopal 462010.
5. The Chairman,  
 Railway Recruitment Board,  
 Western Railway Divisional  
 Office Compound,  
 Mumbai Central,  
 Mumbai- 400 008.

**(Respondents in OA No.212/2018)**

1. Union of India  
 Through the General Manager,  
 Central Railway,  
 Headquarters Office,  
 CSTM, Mumbai 400 001.
2. The Divisional Railway Manager,  
 Central Railway,  
 Headquarters Office,  
 CSTM, Mumbai-400 001.

**(Respondents in OA No.580/2017)**

1. Union of India through the Secretary,  
 Railway Board, Rail Bhavan,  
 New Delhi 110001.

Headquarters, Mumbai CST 400001.

3. Chief Personnel Officer (HRD),  
Central Railway Headquarters Office,  
Mumbai CST 400001.
4. Chairman, Railway Recruitment Board,  
Eastern Railway Colony, Bhopal 462010.
5. Chairman, Railway Recruitment Board,  
Western Railway Divisional Office Compound)  
Mumbai Central, Mumbai 400008.

... Respondents.

( By Advocate Shri V. D. Vadhavkar and Shri V. S. Masurkar ).

O R D E R (O R A L)  
Per : R. Vijaykumar, Member (A)

1. Today when the case is called out, Shri Joe D'Souza, learned proxy counsel appeared for Shri Nigel Quraishi, learned counsel for the applicant in OA No.640/2011. Shri Vishal Shirke, learned proxy counsel appeared for Shri S. V. Marne, learned counsel for the applicant in OA No.212/2018. Shri S. A. Siddiqui, learned counsel appeared on behalf of Shri G. K. Masand, learned counsel for the applicant in OA No.580/2017.

2. Shri V. D. Vadhavkar, learned counsel appeared for the respondents in OA No.640/2011. Shri V. S. Masurkar, learned counsel appeared for the respondents in OA No.212/2018 and OA

No.580/2017.

3. Heard the learned counsels for the parties.

4. These applications have been filed under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

"a. This Hon'ble Tribunal may be pleased for call for the records and proceedings which led to the passing of the impugned order dated 23.06.2011 (Annexure "A-1" hereto) and after going through its legality and propriety be pleased to quashed and set aside the same.

b. This Hon'ble Tribunal may be pleased to order and direct the Respondents to bring the Applicants under the 1993 Pension Rules as has been applied to their colleagues in South Eastern Railway and treat them similarly and also further to declare that 2004 scheme is not applicable to them.

c. Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case;

d. Cost of this Original Application be provided for."

5. MA Nos.612/2012 in OA No.640/2011 has been filed by the respondents to delete the name of the respondents no.1 i.e. the Secretary,

Railway Board, New Delhi but considering the policy involved, this MA is disallowed. MA No.154/2018 in OA No.212/2018 and MA No.571/2017 in OA No.580/2017 seek permission to file aforesaid OAs jointly which are allowed. MA No.572/2017 in OA No.580/2017 is filed for condonation of delay. The OA No.640/2011 has been filed subsequent to a previous OA in which the directions were given to the respondents to pass orders and in OA No.212/2018, the applicants have pleaded that consequent benefit of pension is a continuous cause of action and therefore, no delay inheres in this matter which is accepted in the circumstances.

6. In the circumstances, the applicants had appeared in RRB Selection prior to 01.04.2004 and their selections were made prior to that date but actual orders were issued by the concerned Zonal Railways after 01.01.2004. The applicants have contended that they should be covered in the old pension scheme and not under the new pension scheme that came into force on 01.01.2004.

7. The learned proxy counsels for the

applicants have invited our attention to Office Memorandum dated 17.02.2020 issued by the Department of Pension and Pensioners Welfare and which would, in the normal course, be re-issued by the Ministry of Railways whereby they have considered the cases of employees for whom the appointments have been finalized prior to 01.01.2004 where have joined service after 01.01.2004 and such selections were made prior to 01.01.2004 and appointment orders were issued after 01.01.2004 have been considered in those orders. These orders have been made applicable to all the Central Government Employees. Para 4 of the said memorandum reads as follows:

"4. The matter has been examined in consultation with the Department of Personnel and Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of the Courts in this regard. It has been decided that in all cases where the results for recruitment were declared before 01.01.2004 against vacancies occurring on or before 31.12.2003, the candidates declared successful for recruitment shall be eligible for coverage under the CCS (Pension) Rules, 1972. Accordingly, such Government servants who were declared

successful for recruitment in the results declared on or before 31.12.2003 against vacancies occurring before 01.01.2004 and are covered under the National Pension System on joining service on or after 01.01.2004, may be given a one-time option to be covered under the CCS (Pension) Rules, 1972. This option may be exercised by the concerned Government servants latest by 31.05.2020."

8. In the circumstances that the Government have taken a decision in this matter and they have offered a dispensation to the employees who are affected by existing orders of the respondents, the respondents are directed to consider the OM issued by the Do&PW dated 11.02.2020 and to pass appropriate orders and thereafter, communicate their orders including the options mentioned therein to the concerned applicants within a period of four weeks from the date of receipt of a certified copy of this order and act accordingly thereafter.

9. These OAs are disposed of in the aforesaid terms without any order as to costs.

(Ravinder Kaur)  
Member (J)

(R. Vijaykumar)  
Member (A)

