

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**

OA/050/00122/2021

Date of Order :23.02.2021

**C O R A M**

**HON'BLE MR. M.C.VERMA, ..... JUDICIAL MEMBER**  
**HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER**



Raj Kumar Verma, son of late Jiv Nandan Ram, resident of Rampur Gari Khana, P.O.+P.S.-Khagaul, District- Patna-800012. Presently working as Peon at Danapur, E.C. Railway.

..... Applicant.

- By Advocate : Shri S.K. Bariar.

-Versus-

1. The Union of India the General Manager, East Central Railway, Hazipur-844101.
2. The General Manager (P), East Central Railway, Hazipur-844101.
3. The Divisional Railway Manager, East Central Railway, Danapur Division, Danapur-800012.
4. The Senior Divisional Personnel Officer, East Central Railway, Danapur Division, Danapur-800012.
5. The Sr. DEN Co-ordination, East Central Railway, Danapur Division, Danapur-800012.
6. The Divisional Engineer [HQ], East Central Railway, Danapur Division, Danapur-800012.
7. The Senior Sectional Engineer [ Drg.], East Central Railway, Danapur Division, Danapur-800012.

..... Respondents.

By Advocate :- Shri S.K.Ravi, Id. SC.

**ORDER [ ORAL**

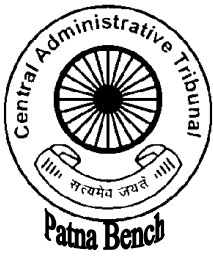
M.C.Verma, Member (Judl.)

Instant OA has been preferred for issuance of direction to the respondents to grant benefits to the applicant under Railway Service (Pension Rules) 1993, instead of New Pension Scheme.



2. The facts as has been set out in the OA are that that applicant was a casual labour and on 18.01.2002, DRM Danapur had called 21 casuals, including the applicant for screening for regularization but screening could not take place on 18.01.2002. That some casual labour of Danapur Division, who were not approved for screening has filed OA 40/2002 for appearing in the screening and because of interim relief granted to them by the Tribunal, screening on 18.01.2002 was cancelled. That on 19.02.2020 screening took place, in which 21 casuals were screened including the applicant and were empanelled. That because of interim order in OA 40/2002 wherein direction was to maintain status quo against regularization of screened candidates and therefore only after dismissal of OA 40/2002, on 21.10.2004, the order of regularization was passed and the applicant was appointed. That applicant was not granted benefits of Railway Service Pension Rules. It has also been pleaded that similarly situated casual of other Division of same Railway, after screening had been appointed in the year 2002 itself. That applicant has given representation on 03.02.2021 for allowing him benefits of

old pension Rules but said representation is still pending and no decision thereon has been taken.



3. Learned counsel Shri Bariar while pressing the OA submits that DOPT has issued OM on 17.02.2020 relating to appointment against vacancies of cases wherein period of prior to that of 01.01.2004 and appointment was given on or after 01.01.2004 and also relating to candidates whose selection procedure had completed before 01.01.2004 but appointment could not be given because of some reasons has issued instruction and that the applicant as per said OM have to be extended benefit under old pension rules. That said OM of the DOPT has been adopted by the Railway Board and Railway Board had issued letter to that extent on 03.03.2020 copy of which is at Annexure A/11. He request to issue notice.

4. Learned counsel Shri S.K. Ravi vehemently opposed the maintainability of the OA. He submits that applicant on 03.02.2021 had given representation to the departmental authority and without waiting its outcome has also filed this OA for the same relief. He request to dismiss the OA with liberty to the respondent department to consider the representation and to pass reasoned order thereon.

5. Learned counsel Shri Bariar submits that he has having no objection if this OA is disposed of with direction to the

respondents to consider the representation of the applicant and to take decision thereon but he added that some time frame may be fixed for disposal of the representation and the respondents may be directed to take decision in light of RBE 28/2020, copy of which is at Annexure A/11 of this OA.



6. Having taken note of entirety and without expressing any view on the merit of the matter it appropriate to be appropriate to give opportunity to the respondents to take decision on the representation of the applicant. Accordingly, the OA stand disposed of with direction to the respondents to consider the case of applicant for eligibility for benefit of old pension rules in light of RBE 28/2020 and other relevant Rules and Guidelines and to take decision on representation of the applicant within eight weeks. Needless to say that copy of the decision taken shall be supplied to the applicant.

[ Sunil Kumar Sinha ]  
Member (A)

[ M.C. Verma ]  
Member (J)

Pkl/