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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1543/2004

New Delhi this the 14th day of February, 2005.

Hon'ble Shri Shanker Raju, Member(J)

S.C. Upadhyay,
S/o Sh. R.K. Upadhyay,
R/o 238/3, Urban Estate,
P.O. Pipli,
Kumshetra-136131.

..... Applicant

(Applicant in person)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi-1.

2. Divisional Railway Manager,
Northern Railway, Delhi Division,
Pahar Ganj, New Delhi-55.

..... Respondents

(through Sh. A.K. Shukla, Advocate)

Order (Oral)

Heard the applicant in person and the learned counsel of the respondents.

2. By an order dated 29.1.1992 in OA-12/90 directions were issued to treat the period from 7.7.1983 to 3.10.1985 for the purpose of emoluments treating the period as a compulsory waiting.

3. Applicant who has earlier approached this Court in OA-2248/2003 decided on 15.9.2003, his representation was considered and disposed of vide order dated

26.02.2004 passed by the respondents. In this order applicant apart from having qualifying service of 22 years 3 months and 1 day after giving weightage of 5 years and addition of compulsory weightage period of 1 year 8 months and 21 days, his total qualifying service came to 28 years, 11 months and 22 days i.e. 29 years of service.

4. From the reply it transpires that the respondents have calculated the qualifying service of the applicant as 23 years 10 months and 25 days but the period from 7.7.1983 to 12.01.1984 is stated to be ignored from qualifying service as it was a period when the leave was granted as leave without pay and is not a qualifying service.

5. In the light of the decision in OA-12/90 as the aforesaid period was treated as compulsory waiting and having decided by their own letter dated 26.2.2004 though the period from 7.7.1983 to 7.10.1985 was treated as not qualifying service, is not in accordance with law.

6. In the result, OA stands disposed of with a direction to the respondents to treat the compulsory waiting period in view of the directions of the Court (supra) his qualifying service and thereafter accord pensionary benefits and other consequential benefits to the applicant in the light of his completing more than 29 years with a deemed treatment of 30 years qualifying service. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member(J)

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