

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 16th day of October 2000.

Original Application no. 888 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Kashi, S/o Kalloo,  
R/o Village Barai Tola,  
P.O. Masoorganj Khurd,  
Distt. Maharaj Ganj.

... Applicant

C/A Shri K.K. Mishra

Versus

1. The Union of India, through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, North Eastern Railway, Gorakhpur.
3. The Divisional Railway Manager (Personnel) N. E. Railway, Izzatnagar.
4. The Chief Signal and Telecommunication Engineer, N.E. Railway, Gorakhpur.
5. The Senior Divisional Signal and Telecommunication Engineer, N.E. Railway., Izzatnagar.

... Respondents

C/Rs Shri Lalji Sinha.

*Seen*

O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Shri Kashi, applicant has come up seeking relief to the effect that the letter dated May 1996 passed by respondents no. 3 be quashed and the respondents be directed to grant pensionary benefits to the applicant.

2. As per the applicant's case he retired from respondents establishment as Khalasi on 28.02.04 after having served for about 34 years and on his retirement the respondents paid him only DCRG and Provident Fund, denying the claim for pension and commutation as well as insurance. Regarding insurance there is mention that some payment was made which has been deducted from gratuity amount.

3. The respondents have contested the case and filed CA with the mention that the applicant worked only as substitute to whom no pensionary benefits are admissible. It has also been pleaded that the applicant could not be absorbed in the regular service because of his having failed to qualify the screening test.

4. Heard learned counsel for the rival contesting parties and perused the record.

*Seen*

5. It is not in dispute in between the learned counsel for the parties that there are clear and distinct departmental orders and direction regarding payment of retiral benefits. As per applicant's <sup>pleading</sup> case those directions have not been complied with, whereas Shri Lalji Sinha learned counsel for the respondents has pressed that the claim of the applicant is not maintainable because he has not put in the qualifying service to make him entitled for pension.

6. From the above I find that the impugned order is not well detailed order, the relevant rules and direction ought to have been referred in this order to make it speaking one.

7. I find it a fit matter to direct the respondents to re-open the case and decide it by passing appropriate order.

8. For the above it is provided that in case the applicant makes representation before the competent authority in the respondents establishment, <sup>putting his claim for post retiral benefits,</sup> within one month from today, the same be decided by the respondents within 3 months, thereafter, by passing detailed, speaking and reasoned order. The O.A. is decided accordingly.

9. There shall be no order as to costs.

*S. C. Nayak*  
Member-J