

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00447/2021

Friday, this the 10th day of September, 2021

CORAM:

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

M.V. Ramanarayanan, aged 65 year,
S/o Velandy, Retired Technician I/Carpenter,
Office of the Senior Section Engineer/Works,
Podanur Junction, Southern Railway,
Residing at North House, Mannath Parambu,
Mundoor, Palakkad District, Pin-678592.

Applicant

(By Advocate: Mr.T.C. Govindaswamy)

Versus

1. Union of India represented by the General Manager, Southern Railway, Head Quarters Office, Park Town P.o., Chennai-600 003.
2. The Chief Personnel Officer, Southern Railway, Head Quarters Office, Park Town P.O., Chennai-600 003.
3. The Senior Divisional Personnel Officer, Southern Railway, Salem Division, Salem-636 005.
4. The Divisional Railway Manager, Southern Railway, Salem Division, Salem- 636 005.

Respondents

(By Advocate: Mr.Sunil Jacob Jose)

The O.A having been heard on 10th September, 2021, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

- “(a) Declare that the non-feasance on the part of the respondents to grant the Composite Transfer Grant to the applicant as provided for under Rules 1643 of the Indian Railway Establishment Code(Vol. II) is arbitrary, discriminatory and hence, unconstitutional and direct the respondents accordingly;*
- (b) Direct the respondents to grant the applicant, Composite Transfer Grant payable upon his retirement on 31.10.2015 with interest calculated at least with effect from 01.01.2016 at the rate of 9% per annum up to the date of full and final settlement of the same.*
- (c) Award costs of and incidental to this Application;*
- (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.”*

2. Brief facts of the case are as follows:-

The applicant is retired as a Technician-1/Carpenter from the Salem Division of Southern Railway and he is aggrieved by the non-feasance on the part of the respondents to grant him the benefit of Composite Transfer Grant consequent upon his superannuation on 31.10.2015. Hence, the applicant has approached this Tribunal praying the aforesaid reliefs.

3. When the matter came up for consideration, Counsel for the Respondents Adv.Mr.Sunil Jacob Jose opposes the matter and submits that it is barred by limitation as the applicant retired in 2015 and no action has been taken till date.

4. The Counsel for the applicant submits that this is a matter for retiral benefits

and he is entitled for the same and he has filed many representations, but the Respondents have not considered the same so far.

5. In view of the above facts of the case, it will be justified to direct the respondents to consider and pass a speaking order on the representations.

Hence, the competent authority is directed to consider Annexure A-2 and connected representations given by the applicant and communicate the decision to the applicant within a period of 3 months from the date of the receipt of a copy of this order. It is also clarified that disposal of the representations will not grant any extension of time of limitation period.

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

**(K.V.Eapen)
Administrative Member**

**(P.Madhavan)
Judicial Member**

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List of Annexures

Annexure A1 - True copy of the representation dated 19.11.2015 submitted by the applicant addressed to the 3rd respondent.

Annexure A2 - True copy of the another representation dated 22.04.2017 submitted by the applicant addressed to the 3rd respondent.

Annexure A3 - True copy of the representation dated 19.05.2017 submitted by the applicant addressed to the Divisional Railway Manager, the 4th respondent.

Annexure A4 - True copy of the representation addressed to the Labour Enforcement Officer(Central) office of the Deputy Chief Labour Commissioner(Central) dated 18.09.2018 submitted by the applicant.

Annexure A5 - True copy of the representation dated 19.11.2019 addressed to the 4th respondent, Divisional Railway Manager submitted by the applicant.

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