CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/548/2021

Date of Order: 11.08.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Rajdev Ram, son of Arjun Ram, aged about 49 years, working as SS/Harishchandrapur, Kartihar Division, N.F. Railway residing at Post Office Harischandrapur, Railway Colony, Malda, West Bengal, 732101

--Applicant

-vs-

1. Union of India, through the General Manager, N. F. Railway Board, Maligaon Guwahati.
2. Union of India, through Secretary to the Government of India, Department of Pension and P.W Lok Nayek Bhavan 110001.
3. Senior Divisional Personnel Officer (P) NF Katihar Post Office and P.S. Katihar, District Katihar Bihar, 854105.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s): Ms. D. Das Banerjee, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This application has been preferred to seek the following reliefs:

"i) Office order dated 17.09.2020 in respect of the applicant cannot be sustained in the eye of law and therefore the same should be quashed.

ii. An order do issue directing the respondents to extend the benefit of Old Pension Scheme to the applicants and to treat him as members of Railway Old Pension Rules.

(iii) Pass an order directing the respondents to amend the office memorandum no. 57/04/2019-P&PW(B) issued by the Department of Pension & PW, Government of India since the said para is violative of the Judgment passed by the Delhi High Court and to allow him and to allow the applicants to switchover to Railway to Railway Pension Rules, 1964.

iv)Pass such further or other order or orders and other relief(s) as may be deemed fit and proper in the peculiar facts and circumstances of the present case."

3. The brief facts of the case as narrated by ld. Counsel for the applicant is that, applications were invited by Railways from eligible SC, ST candidates for filling up of 590 posts of Trackman and Khalasi in NF Railway vide employment notice no. NFR-11/2001. The applicant applied for the said post and got appointed as a Trackman in Katihar division vide office order dated 04.04.2005.

Ld. Counsel for the applicant submits that the vacancies is of 2001, however, the applicant was engaged in 2005. The grievance of the applicant is that since he had joined the post after 01.01.2004, he could not exercise options for Old Pension Scheme.

4. That, recently Hon'ble Apex Court in **UOI vs Shabad Prakash Punia SLP(C) No. 7373/2021** has affirmed the decision of the Hon'ble High Court of Delhi in WP 9252/2020, granting benefits under Old Pension Rules of 1972 to persons selected against vacancies of pre 01.01.2004 even where selection was completed after 01.01.2004 i.e after the effective date of New Pension Scheme.

5. At hearing, Ld. Counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the competent authority to consider the case of the applicant in the light UOI Vs. Shabad Prakash Punia supra, within a time bound manner.

6. Accordingly, with the consent of both the sides, we dispose of this O.A with a direction upon the competent authority to consider the case of the applicant in the light of the judgment supra, and decide the claim of the applicant in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the applicant deserve the

relief as prayed for, an appropriate order in accordance with law be issued within the said period.

7. It is made clear that we have not entered into the merits of this matter and, therefore, all points are kept open for consideration

8. This OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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