

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. No. 050/00102/2021**

Date of Order:17.02.2021

C O R A M

**HON'BLE MR M.C. VERMA, MEMBER [J]
HON'BLE MR. S.K. SINHA, MEMBER [A]**



Sudhir Kumar Singh, Son of Late Sahdi Singh, R/O village-Abhaypur (Masudan), P.O.- Piri Bazar, District-Lakhisarai, Presently posted as Peon n the office of the Traffic Inspector, Jamalpur, Munger.

..... Applicant.

By Advocate :- Shri Prashant Sinha with Shri Rajeev Kr. Verma

-Versus-

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi-110001.
2. The Chairman, Railway Board, New Delhi Rail Bhawan, Raisina Road New Delhi-110001.
3. The Divisional Railway Manager, Eastern Railway, Maldah, 732101.
4. The Divisional Personnel Officer, Eastern Railway, Maldah, 732101.
5. The Station Manager, Masudan Railway Station, Masudan, 811112.
6. The Traffic Inspector, Jamalpur, Munger, 811214.
7. The Divisional Railway Manager, Howrah, 711101.

..... Respondents.

By Advocate :- Shri S.K. Ravi.

**ORDER (O R A L)
Per M.C. Verma, M[J]**

1. Instant OA has been preferred by the applicant for a direction to the respondents to grant the benefit of Old Pension Scheme to the applicant. The matter is at notice hearing stage and having received advance copy of OA, Shri S.K. Ravi Advocate has appeared for respondents.

2. Heard. Learned counsel for the applicant while pressing the OA submits that service of the applicant had to be counted/

reckoned from year 1981 and therefore he had to be given umbrella of Old Pension Scheme. Learned counsel for respondents vehemently opposed the prayer of the applicant and submits that OA deserves to be dismissed.

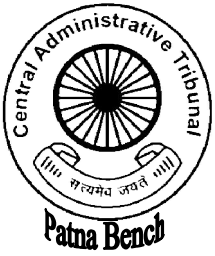


3. Considered the submissions and perused the record. Applicant has pleaded that he was enlisted as substitute staff on 23.01.1981 but the enclosure attached to OA does not fortify his said pleadings. Letter dated 9/9/1985, Annexure-A/1, shows that he was enlisted as hot weather staff and for enlistment as substitute staff had to appear before the screening committee. Annexure-A/4, reveals that he had worked under MSDM for 153 days as hot weather staff, from 23.07.1987 to 22.12.1987 and from 23.02.1989 to 22.09.1989. Applicant previously, in year 2004 has preferred OA No. 597/2004, said OA was finally decided May 2012 and consequent to Order passed in the OA, he was granted temporary status on 07.11.2014 and on 15.12.2014 his service was regularized.

4. No record is available to ascertain as to wherefrom applicant started his career. Applicant perhaps is getting the benefit of contributory GPF since 2014. Record is not reflecting that at any time applicant had represented the department raising grievance that he had to be covered under Old Pension Scheme.

5. Interjecting at this stage learned counsel for applicant submits that he may be allowed to withdraw this OA with liberty to file appropriate representation before the respondent's authority

6. Having taken note of entirety & chequered history of the matter, we dispose of this OA as withdrawn with liberty to applicant to file representation before the respondents. If any representation is preferred by the applicant within one month, the respondents authority shall consider the same and would pass a appropriate order thereon within four months from the date of receipt of the representation. OA accordingly is disposed of as withdrawn.



[Sunil Kumar Sinha]

Member [A]

BP/-

[M.C. Verma]

Member [J]