

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD.

TUESDAY, THIS THE 13<sup>TH</sup> DAY OF MARCH, 2007.

QUORUM: HON. MR. P.K. CHATTERJI, A.M.

ORIGINAL APPLICATION NO. 62 OF 2007.

Nazim Hussain, Son of, Shri Azim Hussain, Resident of,  
House No.4/326, Nagla Mallah Daurpur, Aligarh.

..... Applicant.

Counsel for applicant : Shri L.N. Mishra.

Versus

1. The Union of India through the General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. FA&CAO/SRDAO/WAO, Central Northern Railway, Allahabad.

..... Respondents.

Counsel for Respondents : Shri S.K. Rai.

ORDER

The applicant filed a detailed condonation application earlier stating that this being a case of refixation of pension ~~up to~~ <sup>there</sup> is ~~the~~ a recurring cause of action for which the condonation of delay may be allowed. M.A. No.199/07 for delay condonation is allowed.

2. The applicant retired from Railway service on 31.12.1983. He is an ex-service man and he wanted the benefit of his past service in the Army to be counted towards pension. He made a number of representations to the Respondents for doing the same and also citing the examples of such similarly situated persons as Shri S.K. Lele, Shri S.K. Saxena and Shri J.H. Mazumdar but till now, no action has been taken by the Respondents. The Respondents made some correspondences with him in the past and directed him to furnish the requisite documents as a proof of ~~war~~ <sup>war</sup> service. The same was furnished. Still no action was taken by the Respondents to consider his case and take a decision. On 4.6.2002, he was also informed vide letter of the Additional P.S. to the Hon'ble Minister for Railways (Annexure-4, page 25) that his case was forwarded to the concerned Railway for appropriate action.

*Mishra*

*Mishra*

Inspite of that, no action has so far been taken by the Respondents.

3. The applicant has prayed that the Tribunal may direct the Respondents to consider his representation as per rules and take a decision without further delay. He has also cited the relevant rules, which stipulate that for ex-service men, an option would be available for counting the service in Army for calculation of pension. I am of the view that this O.A. can be disposed of at the admission stage itself by suitable direction to the Respondent No.2 *fresh* i.e. D.R.M., NCR, Allahabad. Accordingly, the Respondent No.2 will consider the fresh representation, which the applicant may submit giving details of the case within 15 days and take appropriate decision under the rules and will communicate the decision to the applicant within a period of one month from the date of receipt of a copy of the fresh representation.

4. With the above directions, this O.A. is disposed of with no orders as to costs.

*fresh*  
A.M.

Asthana/