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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 645 of 1999  
Cuttack, this the 18<sup>th</sup> day of October, 2004


Mahendra @ Mahendra Paikaray. ... Applicant.

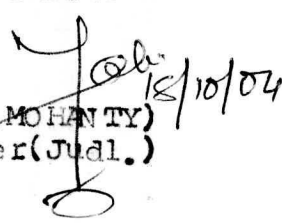
-Vrs.-

Union of India & Others. ... Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

  
(B.N. SOM)  
Vice-Chairman

  
(M. R. MOHANTY)  
Member (Judl.)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 645 of 1999  
Cuttack, this the 18<sup>th</sup> day of October, 2004.

CORAM:

THE HONOURABLE MR. B. N. SOMI VICE-CHAIRMAN

AND

THE HON'BLE MR. M. R. MOHANTY, MEMBER (JUDICIAL).

Mahendra @ Mahendra Paikaray,  
Aged about 59 years,  
S/o. Kunja Paikaray,  
At: Nanput, Po: Retanga,  
Via: Jamla, Ps: Khandagiri,  
District-Khurda.

.... Applicant.

By legal practitioner: M/s. U.N. Mishra, Advocate.

-Vrs.-

1. Union of India represented through the General Manager, South Eastern Railway, Garden Reach, Calcutta-43, W.B.
2. The Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At: Jatni, Po: Jatni, Dist. Khurda.
3. Senior Personnel Officer (Welfare), South Eastern Rly., Khurda Road, Division, At: Jatni, Po: Jatni, Dist. Khurda.
4. Divisional Personnel Officer, South Eastern Railway, Khurda Road Division, At: Jatni, Po: Jatni, Dist. Khurda.

.... Respondents.

By Legal practitioner: Ms. R. Sikdar, Addl. St. Counsel.

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant was a Sr. Trolleyman (in a Gr.D Post) of South Eastern Railways. Being aggrieved by his retirement with effect from 31.12.1996 (on attaining 58 years of his age) has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 by raising a point that he being a Gr.D employee was due to retire at 60th year of his age .

2. Respondents, by filing a counter, have stated that though Gr.D Railway Employees were entitled to serve upto 60th year of their age and that such a provision was prevalent upto 1.12.1962; whereafter they are to retire from service in the afternoon of the last day of the month in which they attain the age of fifty eight year of their age and that the Applicant's date of birth being 1-1-1939, he was rightly superannuated from Govt. service w.e.f. 31.12.1996. They have also denied the entry of the applicant in the services of the railways prior to 24.8.1966.

3. Applicant has also filed a rejoinder, wherein he has raised points pertaining to discrepancy in recording of his date of birth (in the service record) and about payment of lesser retirement dues

than to what he is entitled.


4. Since this Original Application has been filed with regard to determination of his age of retirement, we are not inclined to deal with regard to the recording of incorrect date of birth as also the quantum of payment of his retiral dues etc; as raised for the first time in the rejoinder. Applicant has himself mentioned in the Original Application that he was recruited as a regular Gangman from the year 1966 and from that date his service has been counted towards pensionary benefits. Respondents have also admitted that the Applicant entered into railway service from the year 1966. No supporting materials have been produced by him (Applicant) to show that he entered into the Railways services prior to 1st December, 1962. Therefore, the Respondents have rightly given retirement to the Applicant on his attaining the age of 58 years which was done as per the Indian Railway Establishment Code. The enhancement of age of superannuation, pursuant to the recommendations of the Fifth Pay Commission (as adopted by the Railways in their letter dated 14.5.1998) is not applicable to the case of the Applicant; as he faced retirement much prior to issuance of the said letter.

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5. In the said premises, we find no merit in this Original Application; which is accordingly dismissed. No costs.

  
(B.N. SOM)  
Vice-Chairman

  
18/10/54  
(M. R. MOHANTY)  
Member (Judicial)