

ORDER DATED 27th SEPT., 2010

Indrajit Patel & Others Applicants
Vrs.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

Heard Sri M. Basu, Ld. Counsel for the Applicants and Sri R.C. Behera, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The Applicants have filed this Original Application with the following prayer:-

- “ (a) Leave be granted to file this application jointly under Rule 4(5) (a) of the CAT (Procedure) Rule 1987 having cause of action.
- (b) To direct the Respondents to allow the applicants to avail pensionary benefits under Rule 37(A) of CCS (Pension) Rules, 1972 as their other counter parts are getting;
- (c) To direct the Respondents to give all other financial benefits to the applicants as their counter parts are getting,
- (d) To direct the Respondents to produce relevant records with copy to the Ld. Advocate of the applicant,
- (e) Any other order or further order/s and direction/s as in duty bound shall ever pray.”

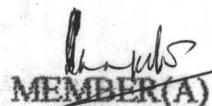
3. The issue here is that the Applicants are not governed under Rule 37(A) of CCS Pension Rule, 1972 as of now, hence the prayer of the Applicants is that they should be brought under the pension Scheme of Rule 37(A) of CCS Pension Rule, 1972. Sri Basu, Ld. Counsel for the Applicants submits that similar benefits have already been made available to a section of staff of Nehru

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Yuva Kendra Sangathan, under the Ministry of Youth Affairs and Sports Government of India working as Accounts Clerk-cum-Typists vide letter No.11034/NYKS/PERS:348/2006 dated 04.05.2006 (Annexure-A/5). Hence, they have made joint petition to the Director General Nehru Yuva Kendra Sangathan, under the Ministry of Youth Affairs and Sports Government of India (Respondent No.2) on 20.01.2010. Having received no reply so far they have approached this Tribunal by filing the present Original Application seeking relief as mentioned above. As no decision has been taken on the prayer of the Applicants, at this stage without any waste of time, it would be proper that the matter is remitted to Respondent No.2 to consider the case regarding the applicability of Rule 37(A) of CCS Pension Rule, 1972 within a reasonable time frame and convey the decision to the Applicants. Ordered accordingly. Respondent No.2 shall take decision in the matter in question within a period of three months from the date of receipt of copy of this order.

4. With the above observation and direction this Original Application is disposed of at the stage of admission itself. As the O.A is disposed of M.A. 587/10 for Jt. Application is also disposed of accordingly.

5. Send copies of this order to the Respondents (together with the copies of this O.A) and free copies of this order be also supplied to the Ld. Counsel appearing for the parties.



MEMBER(A)