

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 670 of 2010
Cuttack, this the 2nd day of November, 2010

Hadu Applicant
Versus
Union of India & Ors. Respondents

CORAM:

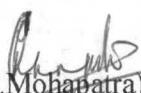
THE HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

In this OA filed u/s.19 of the A.T. Act, 1985, the Applicant who retired from Railway service on attaining the age of 60 years while working as a Gangman on 28.2.2009 seeks direction to the Respondents to calculate his entire period of service starting from 08.11.1989 to 28.02.2009 as qualifying service for the purpose of sanction of pension and pensionary benefits. Copy of this OA having been received in advance for and on behalf of the Respondents by Mr.S.K.Ojha, Learned Standing Counsel for the Railway was present in court when the matter was taken up today. Heard Learned Counsel for both sides and perused the materials placed on record.

2. Learned Counsel for the Applicant submits that though the applicant had put in 19 years 3 months and 21 days excluding temporary and CPC period of qualifying service of which the Respondents have illegally deducted 4 years and one month of service thereby making shortfall from the required qualifying period of service entitling him to pension and all other pensionary benefits. According to him the exclusion of the period of service was not in accordance with Rules nor the calculation of the period was in consultation with the proper service record of the applicant. Hence he prayed for issuance of notice to the Respondents. Learned Counsel appearing for the Respondents strongly objected entertaining this OA on the ground that the applicant has approached this Tribunal without making detailed representation, if at all there was any wrong in the calculation of the period

of service of the applicant. In view of the above, Learned Counsel for the
Applicant ~~contend~~ rightly contended that he may be allowed seven days time to
make a detailed representation and the Respondents may be directed to
consider and dispose of the same within a stipulated period. This was not
seriously controverted by Mr. Ojha, Learned Counsel appearing for the
Respondents. Hence, without going to the merit of the matter, this Original
Application is disposed of at this admission stage with liberty to the
applicant to make a detailed representation pointing out the facts based on
which he seeks relief through this OA to the Respondent No. 2 and the
Respondent No.2 is hereby directed that on receipt of such representation,
(if it is made within seven days) he should consider and pass appropriate
reasoned order within a period of thirty days of receipt of the said
representation and communicate the same to the applicant.

3. Copy of this order along with OA be sent to the Respondent
No.2 for compliance.


(C.R. Mohapatra)
Member (Admn.)