

O.A No. 670 of 2010  
Cuttack, this the 2<sup>nd</sup> day of November, 2010

CORAM:

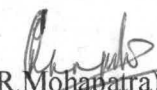
In this OA filed u/s.19 of the A.T. Act, 1985, the Applicant from Railway service on attaining the age of 60 years while a Gangman on 28.2.2009 seeks direction to the Respondents to entire period of service starting from 08.11.1989 to 28.02.2009 g service for the purpose of sanction of pension and pensionary py of this OA having been received in advance for and on behalf pondents by Mr.S.K.Ojha, Learned Standing Counsel for the s present in court when the matter was taken up today. Heard unsel 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

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of service of the applicant. In view of the above, Learned Counsel for the Applicant ~~was~~ 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.)