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O.A. No.438/2011

ORDER DATED 11th JULY, 2011

B. K. Singh.....Applicant
Vrs.
Union of India & OthersRespondents

Coram:

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

Heard Sri M. Basu, Ld. Counsel appearing for the applicant 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 applicant has filed this O.A. rather prematurely as no impugned order has been cited in this O.A. The claim of the applicant is that he should be governed under the provisions of Rule 37(A) of CCS (Pension) Rule 1972 for the purpose of drawing pension as has been given to his counter parts working elsewhere. In this O.A. he has also cited Office Order dated 22.09.2009 (Annexure-7) passed by the Director (Pers.), Nehru Yuva Kendra Sangathan wherein 13 petitioners who had approached this Tribunal Bench at Ernakulam have been granted the benefits. It is the contention of the applicant that he being similarly placed as that of 13 petitioners before the Ernakulam Bench should be covered under CCS (Pension) Rule particularly 37(A) of Pension Rules, 1972. According to him, although he has already made a representation to Respondent No.2, i.e., the Director General, Nehru Yuva Kendra

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Sangathan on 24.08.2010 (Annexure-8), but he has received no reply and that is how, he has approached this Tribunal by filing the present O.A. seeking the following relief:-

"(a) To direct the respondents to allow the applicant to avail pensionary benefits under Rule 37(A) of CCS (Pension) Rules, 1972 as his other counter parts are getting;
(b) to direct the respondents to give all other financial benefits to the applicant as his counter parts are getting pursuant to order passed under Annexure-7;
(c) To direct the respondents to produce the relevant records with copy to the Ld. Advocate of the applicant."

3. I have heard the Ld. Counsel for the parties on the question of admission. During the course of hearing, Ld. Counsel for the applicant submitted that, he will be satisfied if his prepresentation dated 24.08.2010 (Annexure-8) is considered with a view to granting pensionary benefits which have been so granted vide Office order dated 22.07.2009 (Annexure-7) in respect of 13 similarly circumstances petitioners listed therein and disposed of with a reasoned order.

4. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case the ends of justice will be met at this stage by directing Respondent No.2 to consider and dispose of the pending representation vide Annexure-A/8 as per law particularly, in view of the benefits granted to similarly placed employees in pursuance of the order by the coordinate Bench at Ernakulam within a period of 60 (sixty) days from the date of receipt of copy of this order, and pass a reasoned & speaking order under intimation to the applicant. Ordered accordingly.

5. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.
6. Send a copy of this order along with copy of the O.A. to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

Khurshid
ADMN. MEMBER

Kalpeshwar.

