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O.A. No. 172 of 2010

Order dated: 08.04.2010

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. A.Kanungo, Ld. Counsel appearing for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondents on notice.

2. The applicant claims retiral benefits for having worked as a Gangman under P.W. 1, South Eastern Railways, Koraput between the period 1.7.1969 to 31.07.1984. After that, on obtaining No Objection Certificate, the applicant changed over to the Vizag Steel Plant and since then he has not received his pensionary benefits. He cites a decision of the C.A.T., Hyderabad Bench dated 19.2.1992 passed in O.A. 888/89 to the effect that under similar circumstances retiral benefits have been extended to those applicants. However, his case has been rejected vide Annexure-A/2 on 27.6.2008. Thereafter, he has made representation vide Annexure-A/3 to Respondent No.2 on 24.09.2008 and, according to him, this representation has still not been decided by Respondent No.2.

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3. Ld. Counsel for the Railways vehemently opposed the prayer of the applicant on the ground of abnormal delay in claiming the benefits on the basis of an order of 1992 by the Hyderabad Bench of this Tribunal.

4. However, since the representation at Annexure-A/3 is still pending without disposal, as agreed to by the Ld. Counsel for the parties, it will meet the ends of justice, if a direction is issued to Respondent No.2 to consider the above representation taking into account the factual matrix of this case as well as the order of the CAT, Hyderabad Bench, which is available at Annexure- A/1 of this O.A. and pass a reasoned order within 60 days from the date of receipt of a copy of this order. Ordered accordingly.

5. With the above observation and direction, without going into the merits of the case, the O.A. is disposed of at the stage of admission itself.

6. Send copy of this order, along with copy of the O.A., to Respondent No.2 for compliance.


MEMBER (A)

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