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O.A.No.201/10

Jaladhar @ Jaladhar Satrusalya.....Applicant.

Vs.

Union of India & Ors. Respondents.

ORDER DATED 4th MAY, 2010

Coram:

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

Heard Mr. N.R. Routray, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents (Railways) and also perused the materials placed on record.

2. In this Original Application the applicant has challenged the order dated 26.03.2010 (Annexure-A/8) which has been passed by Respondent No.3 in compliance of this Tribunal's order dated 26.08.09 in O.A. No.262/08. The applicant has again sought direction of this Tribunal for computing 50% of temporary status period w.e.f. 22.07.87 to 20.06.90 & 100% service from 21.06.90 to 28.02.02 as qualifying service for grant of minimum pension and release the consequential benefits i.e. pension, DCRG & Commuted value of Pension. This prayer was earlier considered and the Tribunal had directed the Respondents to make a through investigation into the records to ascertain the position of the applicant for the period from 1987 to 1990 and pass a

reasoned order based on the outcome of such investigation. Annexure-A/8 is compliance of the above order of this Tribunal. The Ld. Counsel for the applicant submitted that prior to issue of that order at Annexure-A/8, the applicant was not given the chance to submit necessary documents which are in his possession and further he has not been given an opportunity of personal hearing. His contention is that had he been given such an opportunity he would have been able to establish his claim to the effect that he had the minimum pensionable service to his credit. He therefore, insisted that direction should be issued to the Respondents to give him an opportunity of personal hearing and submission of documents in his possession and thereafter the Respondents may take a final decision on the claim of the applicant regarding pensionable service.

3. As agreed to by the Ld. Counsel for both the parties, without going into the merit of the case the O.A. can be disposed of at this admission stage with a direction to Respondent No.1 & 3 to give him a personal hearing and also opportunity to provide whatever documents are in his possession to establish the claim that he has the minimum pensionable service at his credit. Ordered accordingly.

4. The Respondent Nos. 1 & 3 after affording such opportunity for personal hearing and submission of relevant documents by the applicant shall pass an order within 60 days

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of the receipt of the copy of this order under intimation to the applicant.

6. With the above observations and directions this O.A. is disposed of at the admission stage itself.

7. Copy of this order along with copy of this O.A. ¹²³ be sent to Respondent No. 2 for compliance. L

~~ADMN. MEMBER~~

Kalneswar