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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00478 of 2015
Cuttack, this the 7th day of September, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Banoo Martha @ Banoo,
aged about 70 years,
Son of Late Rahas Martha,
Previously working as Peon
In the office of SMR-KUR,
Presently residing at Podapada,
PO/PS- Aragul, Dist- Khurda.

...Applicant

(Advocates: M/s. A. Kanungo, C.Nayak, D.Panigrahi)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway,
Chandrasekharpur, Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway,
Chandrasekharpur, Dist-Khurda.
3. Divisional Railway Manager (P),
East Coast Railway,
Khurda Road, Dist- Khurda.
4. Senior Divisional Personnel Manager,
East Coast Railway,
Khurda Road, Dist- Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

A.K. PATNAIK, MEMBER (JUDL.):

Heard Mr. A. Kanungo, Ld. Counsel for the Applicant, and Mr.

T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on



whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“(A) Direction/Directions to be issued declaring the inaction to count the period of service w.e.f. 24.07.1970 to 24.10.1974 towards pension and treating the period thereafter as casual services as illegal and arbitrary.

(B) Direction and/or Directions be issued to count the period of service w.e.f. 24.07.1970 as regular services for the purpose of pension and the pay fixation be made with all consequential benefits.

(C) And other order.....”

3. The case of a septuagenarian applicant as enumerated in this O.A is that he had joined as Ty. Gangman on 24.07.1970 in a regular scale of pay vide O/o No. 68/70 dated 09.09.1970 of AEN/KUR. While he was working as such, he met with an accident and remained on leave w.e.f. 30.06.1973 to 17.05.1974. Subsequently, he was medically decategorized from B-1 to C-1 category. The grievance of the applicant is that after his medical decategorization, on 01.06.1974 he was taken back to duty but as a Casual Chowkidar ignoring his past regular service w.e.f. 24.07.1970. After getting one financial upgradation at his fag end of retirement, i.e. on 11.01.2005, he superannuated from service after attaining the age of retirement w.e.f. 31.01.2005. Having received information dated 25.07.2011 under RTI Act that his past service w.e.f. 24.07.1970 has not been counted for pensionary benefits and he was taken as a casual on 01.06.1974, the applicant submitted his representation on 05.06.2013 before Respondent



No.1 with copy to other Respondents. Consequent to his representation, his case was to be put up before the Divisional Pension Adalat-2013 that was to be held on 16.12.2013. Applicant again submitted a representation on 03.09.2014 (Annexure-5) before Respondent No.1 with copy to other Respondents. His case was brought before the Divisional Pension Adalat KUR held on 15.12.2014, which concluded at Sl. No. 101 vide Annexure-6 that APO/Sett. will examine the case and remarks will be communicated. Mr. Kanungo submitted that till date neither any reply to representation has been sent by the Railways nor anything has been communicated to the applicant as per the Minutes of Divisional Pension Adalat KUR (Annexure-6). On the above background, the applicant has moved this Tribunal with the aforesaid prayers.


4. Since a representation of the applicant is stated to be pending with the authorities, without going into the merits of this case, we dispose of this O.A. at this admission stage with direction to the Respondent No.1 to consider the representation of the applicant dated 03.09.2014, if the same has been filed and is still pending, taking into account the Minutes of Divisional Pension Adalat KUR, Annexure-6, and communicate the result thereof to the applicant in a well reasoned order within a period of two month from the date of receipt of a copy of this order. If upon such consideration the applicant is found to be entitled to the relief claimed by him, then expeditious steps be taken within a further period of three months to extend the said benefits to him. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the




applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 by Speed Post for which he undertakes to file the postal requisites by 10.09.2015.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

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