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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00431 OF 2016
Cuttack, this the 30th day of June, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER(A)

Kathia Behera, aged about 77 years, S/o Mandra Behera, Vill-Ichhapur, P.O. Purna Baulamala, PS- Jenapur, Dist. Jajpur, Retired Sr. Track Man under SSE(P.Way), Bhadrak, At/PO/PS/Dist. Bhadrak.

.....Applicant

By the Advocate(s)-M/s. S. Behera

-Versus-

Union of India, represented through

1. General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
2. Divisional Railway Manager, East Coast Railway, Khurda Road, At/PO/PS. Jatni, Dist. Khurda.
3. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, At/PO/PS. Jatni, Dist. Khurda.
4. Assistant Divisional Engineer-I, East Coast Railway, Cuttack, At/PO. College Square, Dist. Cuttack.
5. Senior Section Engineer (P.Way), Bhadrak, At/PO/Dist. Bhadrak.

.....Respondents

By the Advocate(s)- Mr. T. Rath

ORDER (ORAL)

R.C.MISRA, MEMBER (A):

Heard Sri S. Behera, Ld. Counsel appearing for the Applicant and Sri T. Rath, Ld. Standing Counsel appearing for the Respondents/Railways on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. It is the case of the applicant that he was working as Sr. Trackman in the office of Respondent. No.5 i.e., under the establishment of the Railways and has retired from service w.e.f. 31.10.2000. His grievance is that even after sixteen years of his retirement, he has not been given the retirement benefits.



3. On being asked as to whether applicant has agitated this matter before the Railway Authorities since 2000, Sri Behera clarified that applicant has been making representations to the authorities. Apart from this, he had sought information Under RTI Act, regarding the dues which are to be paid to him on his retirement, and in response to this, a reply has been supplied to him on 04.04.2016 that after his retirement, DCRG and service gratuity have been granted, whereas Pension not been granted. The ground of non-sanctioning of pension as has been indicated is that as the applicant has not completed required service of minimum 10 (ten) years qualifying service under Railways no PPO was issued.

4. It is brought to my notice that applicant has made another representation on 28.04.2016 to the Divisional Railway Manager, East Coast Railway (Respondent No. 2) in which, he has claimed to count 50% of his casual + 100% regular service for the purpose of qualifying service to make him ~~for~~ ^{for} eligible ^{for} pensionary benefits. In his representation, applicant has quoted the Railway Services Pension Rules, 1993-Rule-31-Counting of service paid from contingencies as qualifying service for pensionary benefits and the Master circular No.54 of 1994 (qualifying service for pensionary purpose) Para-20-Counting of the period of service of casual labour for pensionary benefits and some other rules in order to plead his case before the authorities. He has also mentioned that Hon'ble Andhra Pradesh High Court (Division Bench) in W.P. No.10837 of 2001 decided on 23.06.2003 and C.A.T. Principal Bench have given decisions in favour of counting of 50% of ^{casual service as} qualifying service. Applicant in this O.A is 77 years old. Therefore, at this stage, without going into the merit of this matter, I would direct, Respondent No.2 to consider the representation dated 28.04.2016 if

it has been received and pending at his level, take an appropriate decision and communicate the decision to the applicant with a reasoned and speaking order within three months from the date of receipt of this order.

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

6. On the prayer made by Sri Behera, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2, and 3 by Speed Post for which he undertakes to file the postal requisites by 04.07.2016.


(R.C.MISRA)
MEMBER(A)