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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 1090 OF 2012**  
**CUTTACK, THIS THE 7<sup>th</sup> DAY OF FEBRUARY, 2013**

**CORAM**

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

.....

Kanduri Jena,  
Aged about 65 years,  
S/o. Late Dama Jena,  
At- Talapada Paikasahi,  
P.O. Hakapada,  
P.S.- Delanga,  
Dist.- Puri

.....Applicant

Advocate(s) ..... Mr. B.K.Patnaik

**VERSUS**

Union of India represented through

1. The General Manager,  
East Coast Railway, Rail Sadan,  
Chandrasekharpur, Bhubaneswar, Dist.-Khurda.
2. Divisional Railway Manager,  
East Coast Railway, Khurda Division,  
At/PO-Jatani, Dist-Khurda.
3. Sr. Divisional Personal Officer,  
East Coast Railway, Khurda Road,  
At/PO-Jatani, Dist-Khurda.
4. Sr. Divisional Commercial Manager,  
East Coast Railway,  
Khurda Road,  
At/PO-Jatani, Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T.Rath.



ORDER (ORAL)MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. B.K.Patnaik, Ld. Counsel for the applicant, and Mr. T. Rath, Ld. Standing Counsel appearing on behalf of the Railways, on whom a copy of this O.A. has already been served.

2. Mr. Rath, at the outset, vehemently raised the question of maintainability of this O.A. He submits that order of rejection is dated 01.10.2007, which has been challenged in this O.A. filed on 27.12.2012. Mr. Patnaik, Ld. Counsel for the applicant submits that the applicant has been deprived of the minimum pension because his date of regularization was 07.10.1996 whereas his last date of engagement was 09.04.1996 and there was break and due to that, a shortfall of 5 months and 7 days has ~~been~~ crept in to debar from receiving the minimum pension.

3. We find that ventilating his grievance, the applicant has made a representation date back in 11.10.2007 addressed to the Sr. Divisional Commercial Manager, E.Co.Rly., Khurda Road, who is not arrayed as Respondent in the present O.A. However, Mr. Patnaik, Ld. Counsel appearing for the applicant submitted that applicant will be satisfied if he is given liberty to make fresh representation to the authorities for consideration of his grievance within a specific time frame.



4. In view of the above, without entering into the merit of this case as well as on the point of limitation, we dispose of this O.A. at the stage of admission itself with direction that if the applicant makes a representation within two weeks from today addressed to the Sr. Divisional Commercial Manager, E.Co.Rly., then the same may be considered and disposed of by way of reasoned and speaking order within a period of two months from the date of receipt of such representation.
5. As the Sr. Divisional Commercial Manager, E.Co.Rly., has not been arrayed as a Respondent in this O.A., Mr. Patnaik, Ld. Counsel for the applicant prayed to allow him to add him as party. He is permitted to make the Sr. Divisional Commercial Manager as Respondent No.4 in this O.A.
6. As prayed for by Mr. Patnaik, Ld. Counsel for the applicant, copy of this order along with paper book be transmitted to Respondent No. 4 at the cost of the applicant for which he will file postal requisites within a period of 2 days.
7. With the aforesaid observation and direction, the O.A. stands disposed of at the stage of admission itself.

  
**(R.C.MISRA)**  
MEMBER(ADMN.)

  
**(A.K. PATNAIK)**  
MEMBER(JUDL.)