

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.185 of 1996

Present: Hon'ble Dr. B.C. Sarma, Administrative Member  
Hon'ble Mr. D. Purakayastha, Judicial Member

Sri Yadu Nandan Yadav  
S/o Late Babulal Yadav  
R/o C/o Mr. Lalchand Sharma  
Quarter No.552/AB, Daulatpur Rly. Colony  
Jamalpur, Malda Division, E. Rly.

VS

1. Union of India, represented by  
The General Manager, E.Rly.  
17, Netaji Subhas Road  
Calcutta-700 001

2. Chief Personnel Officer,  
Eastern Railway,  
17, Netaji Subhas Road  
Calcutta-700 001

3. Divisional Railway Manager,  
Malda Division, Eastern Railway  
Malda

4. Divisional Personnel Officer,  
Malda Division, Eastern Railway  
Malda

5. Divisional Mechanical Engineer,  
Malda Division, Eastern Railway,  
Malda

For the Applicant : Mr.M.A. Vidyadharan, counsel

For the REspondents: Mr. P.K. Arora, counsel

13.2.98  
Heard on 5.3.1998

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Date of order: 5.3.1998

O R D E R

When the matter was taken up today again for hearing Mr. Vidyadharan, learned counsel for the applicant submitted that the Genral Manager, Eastern Railway may be directed to consider the case of the applicant. Mr. Arora, learned counsel for the respondents does not have any objection to the said submission, though the reply has been filed by the respondents.

2. We note in this case that there is some confusion about the facts of the case. The respondents have used the expression "ad hoc officiation" in the order of promotion given to the applicant to the post of BMC 'B' in which he had continued for five years. It is not understood why the said expression has been used by the respondents. If the appointment is adhoc the applicant cannot get

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the benefit of that period concerned as qualifying service for the purpose of pension which is quite clear from the perusal of Rule 1303 R-II. Because of the said confusion we are not inclined to dispose of the matter on the basis of the submission of the learned counsel of both the parties.

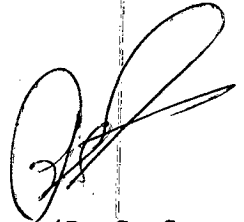
3. In view of the above position the application is disposed of with the direction that within a period of three months from the date of communication of this order the General Manager, Eastern Railway shall treat the instant application as a fresh representation and shall dispose it of, the result of which shall be communicated within a period of one month thereafter. No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)

5.3.1998



(B. C. Sarma)

MEMBER (A)

5.3.1998