

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. 438 of 96

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Shri Nishi Kanta Roy, S/o Nagendra Nath Roy,  
Vill. Banamalipure, P.O. Ramlochanpur, Dist. 24,  
Parganas.

...Applicant

- v e r s u s -

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan.
2. The General Manager, South Eastern Railway, Garden Reach, Calcutta 700 043.
3. The F.A. & C.A.O., Administration, South Eastern Railway, Garden Reach, Calcutta-700 043.

...Respondents.

For the applicant : Mr. K. Sarkar, counsel.

For the respondents : Mr. S. Chowdhury, counsel.

Heard on/20.3.98

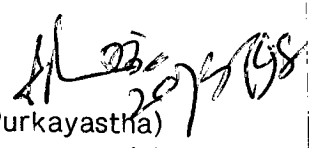
Order on 20.3.98

O R D E R

D. Purkayastha, JM

I have heard the submission of the ld. counsel ~~for~~ both the parties over an application under section 19 of the CAT Act for declaration that the applicant is entitled <sup>to</sup> for the benefit of qualifying service for the purpose of pension and <sup>to</sup> give him all pensionary benefits <sup>for</sup> war service. The respondents intimated the applicant vide their letter dated 12.9.95 that his case <sup>has</sup> been examined by the authority. But it is regretted that in terms of prevailing rule there is no scope for considering his case. Feeling aggrieved by the said order dated 12.9.95 the applicant approached this Tribunal. Since this application has direct nexus with the pensionary benefit of the applicant thereby, it cannot be said to be a time-barred ~~to the~~ application. The respondents filed reply ~~stating, inter alia, all facts therein~~ disclosing the reason for denying him the benefit of pension. The applicant filed rejoinder in this case. It is stated in the rejoinder that similar relief has been granted to the similar circumstanced officer viz. Sri A.C. Bose. But the applicant was denied of such benefit.

2. During hearing Mr. Chowdhury, Id. counsel for the respondents submits that this application may be sent to the respondent No.3 for re-consideration of the applicant's grievance in view of the letter marked as Annexure-R/3 to the reply. I have considered the submission of the Id. counsel for both the parties and I find that it is a fit case for direction upon the respondents to consider the case of the applicant in the light of the decision contained in the Railway Board's letter Annexure-R/3 to the reply. Accordingly I direct the respondent No.3 i.e. F.A. & C.A.O., Administration to treat this application as a representation of the applicant and to dispose of the same within three months from the date of communication of this order with a speaking order after consideration of the Railway Board's decision in Annexure-R/3 to the reply. Accordingly the application is disposed of awarding no costs.

  
(D. Purkayastha)  
M e m b e r (J)

a.k.c.