

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1159 of 97

Date of order : 28.1.2003

Present : Hon'ble Mr.B.P.Singh, Administrative Member

Hon'ble Mr.N.Prusty, Judicial Member

MAHADEV CH.MAITY

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: Mr.S.Choudhury, counsel

O R D E R

B.P.Singh, A.M.

This application has been filed by the applicant for counting of his previous service so that he gets regularised in service w.e.f. 1.4.73 and becomes entitled for pensionary benefit counting his earlier service in the Construction department. The applicant has prayed for the following reliefs :

- i) declaration that the applicant is entitled to be regularised in service w.e.f. 1.4.73 as some employees junior to the applicant in service were regularised w.e.f. the said date.
- ii) an order do issue directing the respondent to grant pension and other pensionary benefits.

2. It is submitted by the 1d. counsel for the applicant that the applicant was initially appointed as Gangman w.e.f. 22.5.68 under D.E.N./Rail Link to Haldia Port at Panskura, S.E. Rly. and was discharged from Railway service w.e.f. 1.2.78 due to completion of work. He was again appointed on 30.12.85 under PWI/Tamluk, S.E.Rly. and was regularised w.e.f. 30.10.87 after obtaining temporary status w.e.f. 30.4.86. He retired from Railway service w.e.f. 31.3.96. The 1d. counsel for the applicant has not enclosed any piece of paper with the OA regarding engagement, dis-engagement, grant of temporary status, regularisation or retirement.

3. Reply has been filed in this case by the 1d. counsel

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for the respondents. In the reply it has been stated that the applicant was not eligible for pension as he has not completed 10 years of qualifying service and therefore he was not entitled to get the pension. Ld. counsel for the applicant has relied on Railway Board circular enclosed as Annexure 'A'.

4. The ld. counsel for the applicant submits that his client will be satisfied at this stage if a suitable direction is given to the applicant to file a detailed representation annexing supporting documents and other materials with a direction to the respondent authorities to consider the same within a stipulated period. Ld. counsel for the respondents has no objection to such prayer.

5. In view of the above we hereby direct the applicant to make a detailed representation enclosing all the relevant documents and other supporting materials of this case within a period of 4 weeks from the date of communication of this order to the respondent authorities, specially respondent No.2. On receipt of the same, respondent No.2 shall consider the representation according to the rules within a period of 3 months and pass a speaking and reasoned order and communicate the same to the applicant within a period of 2 weeks thereafter. In case the decision goes in favour of the applicant the respondent authorities shall grant all consequential benefits within a period of one month from the date of final decision.

6. The OA therefore stands disposed of accordingly without any order as to costs.


MEMBER (J)

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MEMBER (A)