

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, CALCUTTA

ORIGINAL APPLICATION NO. 1256 OF 1997

HON'BLE MR. M.K. MISHRA, MEMBER- A.  
HON'BLE MR. K.B.S. RAJAN, MEMBER- J.

Ganga Ram Jana, S/o Late Gopal Jana  
Ex Peon in CPM's Office under S.E. Rly.  
Workshop, Kharagpur, residing at Vill.  
Jonhat, P.O. Jalchak, P.S. Pingla,  
Distt. Midnapore, PIN- 721155.

.....Applicant

**V E R S U S**

1. Union of India service through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The Secretary, M/o Railways, Govt. of India, Rail Bhawan, New Delhi.
3. The General Manager, S.E. Railway, Garden Reach, Calcutta.
4. The Chief Personnel Officer, S.E. Railway, Garden Reach, Calcutta- 43.
5. The Chief Project Manager, S.E. Railway Workshop, Kharagpur- 721 301.
6. The Workshop Personnel Officer, S.E. Railway Workshop, Kharagpur.
7. The Dy. FA & CAO, S.E. Railway Workshop, Kharagpur.

.....Respondents

For the applicant : Sri P.C. Maity (Not present)

For the Respondent: Ms. A. Singh

Heard on 28.06.05.

Order pronounced on 01-07-05

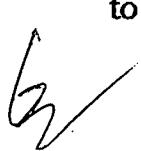
## O R D E R

BY HON'BLE MR. K.B.S. RAJAN, J.M.

In view of the fact the applicant has not been represented, while the respondent's counsel was present, invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987, this O.A. is disposed of after hearing the counsel for respondent.

2. The applicant is aggrieved as the respondents had not considered his mercy petition for payment of pension accrued to him on account of his 26 years of service.

3. Minimal list of dates would be essential at this juncture to have a hang of the case of the applicant. The applicant's version is that he joined the S.E. Railway Workshop, Kharagpur in March 1953 as a Class IV employee and while serving as a peon in the office of chief Project Manager he was removed from Service w.e.f. 22nd April, 1978 on the charge of "unauthorised absence" and the decision was ex parte. The charge sheet was of 15th September, 1977, while the report of the Inquiry Officer was dated 24th February, 1978. On appeal preferred by him, the applicant was given reappointment as peon in Feb. 1980 but actually he was not allowed to join. His further application made in June, 1982 and August 1987 did not result in any fruits despite the Addl. Chief Mechanical Engineer, SE Railway Workshop having recommended the case. His further Mercy petition to the Hon'ble President of India preferred in Sep 89 and May 91 was



only forwarded to the Railway Authorities for action but no progress could be made in that regard. However, a sum of Rs 7,293.00 towards DCRG and another amount of Rs 3,647.00 (towards P.F dues) were made available, which the applicant had to entertain in view of his penury condition. There has been no further payment and hence this OA praying for payment of Pension and other terminal benefits.

4. Respondent's version is that the applicant was removed from the Railway service as early as in January, 1971 and the supreme authority, gave him the appointment of Peon vide order dated 25th MY 1971 but the applicant after joining became irregular and thus he had courted charge sheet in September 1977 and removed from service in April, 1978. However, again he was reinstated vide order dated 8th January, 1980. There is however no question of condonation of break in service. As such, taking in to account his services as peon in the wake of the appointment given to him in 1980 and on his retirement as on 1st May 1989, gratuity of Rs 7293.00 and P.F. dues of Rs 3657.00 were made available to him on time. Thus according to the respondents the applicant is not entitled. The applicant has, no doubt done an yeomen service by persistently approaching/writing to the authorities for establishment of a Post Office. But the said act cannot give her any right for appointment. The respondents have fully justified their decision in having the post tenable by a reserved candidate as the said place has majority of the inhabitants belonging to that category. The selection and appointment was also in accordance with law and there is least scope of interference in the decision of the respondents.

