

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.197/2001

Monday this the 19th day of March, 2001.

CORAM

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.J.Joseph
S/o Late Joseph
Retired Goods Shed Porter
Cochin Harbour Terminus Station
Southern Railway, Willington Island
Cochin-682 003.
Residing at Valiyaveettil House
Kumbalangi
Cochin.

Applicant.

[By advocate Mr.V.R.Ramachandran Nair]

Versus

1. Union of India represented by the
General Manager
Southern Railway, Park Town
Madras.
2. The Divisional Railway Manager
Southern Railway
Trivandrum.
3. The Senior Divisional Personnel Officer
Southern Railway
Trivandrum.
4. The Chief Personnel Officer
Southern Railway, Madras.
5. The General Manager
Southern Railway
Madras.

Respondents.

[By advocate Mrs. Sumathi Dandapani]

The application having been heard on 19th March, 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

Applicant who is a pensioner is aggrieved that certain
periods which according to him should be counted as qualifying
service for pension have not been counted. His representations
in that regard were rejected by the Divisional Railway Manager

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by A11 order dated 10.12.96 and by the Chief Personnel Officer by A15 order dated 22.6.98. Aggrieved by the rejection, the applicant made a representation to the General Manager, Southern Railway, Madras, the 5th respondent on 7.12.98 which remains not responded to despite 2 reminders made thereafter. Therefore, the applicant has filed this application seeking the following reliefs:

- (i) To call for the records leading to Annexure A11 and Annexure A15 and quash the same.
- (ii) To issue a direction to the respondents to count the service of the applicant from 1.4.98 as qualifying service and to revise the pension in accordance with law and to grant all consequential benefits.
- (iii) To issue a direction to the 5th respondent to consider and dispose of A17 representation pending before the 5th respondent.
- (iv) To issue such other orders or directions as this Tribunal may deem fit and proper in the circumstances of the case.

2. When the application came up for hearing today, learned counsel of the applicant submitted that the applicant would be satisfied if the 5th respondent, would consider the representation made by the applicant at Annexure A17 and dispose it of giving him an appropriate reply in accordance with law. Learned counsel of the respondents submitted that the application may be disposed of directing the 5th respondent to dispose of the pending representation.

3. In the light of the submissions made by the learned counsel on either side, this application is disposed of at this stage without going into the merits of the case, directing the 5th respondent to consider the representation made by the applicant at Annexure A17 in accordance with the rules and

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instructions on the subject and to give the applicant an appropriate reply within a period of 3 months from the date of receipt of a copy of this order. There is no order as to costs.

Dated 19th March, 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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Annexures referred to in this order:

- A11 True copy of the order No.V/P.626/II/163/95 dated 10.12.96 issued by the 2nd respondent to the applicant rejecting the claim of the applicant for the enhanced pension.
- A15 True copy of the order No.P(S)536/III/Court Cases dated 22.6.98 issued by the 4th respondent rejecting the claim of the applicant.
- A17 True copy of the representation dated 7.12.98 submitted by the applicant to the 5th respondent.