

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH.

O.A.NO.320/2001:

Wednesday, this the 9th day of April, 2003.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

N. Prabhakaran Nair,
(Retired Stenographer, North East
Frontier Railway,
Alipurduar Junction Division).
Residing at: Vazhuvvelil House,
Kavumbhagom Post, Cheruvally,
Kottayam - 686 519.

- Applicant

By Advocate Mr MP Varkey

Vs

1. Union of India represented by
General Manager,
North East Frontier Railway,
Maligaon,
Assam-781 011.
2. The Divisional Accounts Officer,
North East Frontier Railway,
Alipurduar Junction & P.O.
Jalpaiguri District,
West Bengal-736 123.
3. The Manager,
State Bank of Travancore,
Manimala Branch,
Manimala.P.O.
Kottayam-686 543.

- Respondents

By Advocate Mr P Haridas

The application having been heard on 9.4.2003, the Tribunal on
the same day delivered the following:

O R D E R

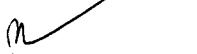
HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant who retired from the North East Frontier
Railway in the year 1982, is aggrieved that while revising his



pension, his qualifying service including weightage of 5 years for voluntary retirement was not properly reckoned. The applicant had made a representation to the 2nd respondent on 24.11.2000. Finding no response to this representation, he caused a Lawyer notice to be issued to the same respondent on 22.1.2001. The applicant's counsel has made available for our perusal the copies of the Lawyer Notice as also the representation along with Postal Acknowledgements. Finding no response to the Lawyer Notice also, the applicant has filed this application seeking to set aside A-5 order and A-1 in so far as the pension shown therein is different from what is due to him and for the consequential reliefs.

2. Although the standing counsel for the Railways, Shri P Haridas appeared for the respondents, despite several adjournments granted, no reply statement has been filed. The counsel states that although he made his best effort to contact the respondents and to have a reply statement filed, the same having failed, he is helpless in the matter. We are unhappy to see that the respondents who are bound to present the case of the Railway Administration before the Tribunal have shown an indifferent attitude towards the proceedings before the Tribunal. However, it is evident that the claim of the applicant made in his representation as also the Lawyer Notice has not been attended to. Because the respondents have not filed a reply statement, it is not possible to know the factual situation regarding counting of service of the applicant on his voluntary retirement. We are therefore of the view that the reaction of the respondents to the issue



involved is essential for a proper adjudication. Under these circumstances, we are inclined to dispose of the application directing the 2nd respondent to consider the claim put forward by the applicant in his representation dated 24.11.2000 and give him a speaking order within a reasonable time.

3. In the light of what is stated above, we dispose of this application directing the 2nd respondent to consider the claim of the applicant regarding computation of his qualifying service and fixation of proper pension and to give him a speaking order within a period of four months from the date of receipt of copy of this order. A copy of this order shall be sent to the first respondent by Registered Post. There is no order as to costs.

Dated, the 9th April, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. MARIDASAN
VICE CHAIRMAN

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