

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 164 of 2008

This the 14th day of July, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Sri Ram, Aged about 62 years, S/o late Sri Bhajja Ram, R/o 4/230 Near Doon Public Inter College, Vikas Nagar, Lucknow

.....Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India, through the General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow.
3. The Divisional Finance Manager, North Eastern Railway, Ashok Marg, Lucknow.

.....Respondents

By Advocate : Sri Rajendra Singh

O R D E R (Oral)

By Justice Alok K Singh, Member-J

This O.A. has been filed for revision of pensionary benefits while releasing the promotion and ancillary benefits like fixation of pay etc. from the date when his erstwhile juniors have been granted when the applicant was facing punishment. Simultaneously arrears of pay and pensionary benefits alongwith interest @ 12% per annum has also been sought.

2. The case of the applicant, in short, is that he was removed from service vide order dated 22.2.1984 (Annexure-3). However, the appellate authority reduced the said penalty into stoppage of increment for a period of three years with cumulative effect from

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22.5.1986. Consequently, the applicant was reinstated in service, but he was deprived from promotional benefits. Therefore, he made a representation dated 15.12.2005, upon which he was advised by respondent no.3 vide order dated 3.5.2007 to approach the Hon'ble President to get the order reviewed. He again moved a representation dated 3.6.2007 (Annexure-7), but he did not receive any reply. Ultimately, he superannuated on 28.2.2006.

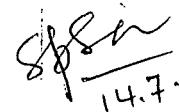
3. The respondents have contested the O.A. by filing Counter Reply denying almost all the pleadings. It is further said that the applicant even did not disclose the name of similarly situated persons who have been granted the alleged benefits. It is further said that in the Accounts department, there was no post of Head Clerk and there is no rule or any provision that during the period an employee who stood removed is entitled for any benefits like promotion etc. (as this period of removal was treated as without pay). In respect of pending representation dated 13.6.2007, it has been said that it is without any date and addressed to DRM, NER, Lucknow; whereas the Hon'ble President is the competent authority.

4. Heard the learned counsel for the parties and perused the material on record.

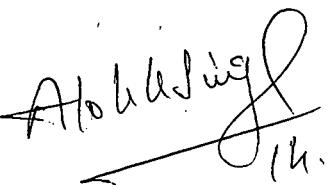
5. Learned counsel for the applicant confines his submission only to the extent that he has already made another representation addressed to DRM, NER, Lucknow which has been served upon him through registered post on 2.8.2008 and the same may be directed to be disposed of within a stipulated period. It is pointed out from the other side that no such representation is on record. However, learned counsel for the applicant showed his copy. But it is not on record because it could not be filed. Be that as it may. As far as this request is concerned, learned counsel for the respondents has no substantial objection.

6. Therefore, we are not adverting to the other grounds mentioned in the O.A. Keeping in view the aforesaid request, this O.A. is finally disposed of with a direction to the respondent no.2 that if the applicant submits a fresh copy of the said representation dated 2.8.2008 (Annexure-7) (a copy whereof has

now been taken on record while dictating this judgment) within 15 days then the same shall be disposed of expeditiously say within three months by means of a well reasoned and speaking order. No order as to costs.


14.7.2011

(S.P. Singh)
Member-A
Girish/-


14.7.11

(Justice Alok K Singh)
Member-J