

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.202/04

Jabalpur, this the 5th day of October, 2004.

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

R.M.Sahu
Joint Director (Engineering
Officer Grade 4,) Central
Power Research Institute, STDS
Govindpura, Bhopal.
R/o 74-C, Indrapuri
Near Rajasthan Medical Store
Bhopal.

Applicant

(By advocate Shri K.N.Pethia)

Versus

1. Union of India through
The Secretary to Govt.of India
Ministry of Railways
Rail Bhawan, New Delhi.
2. G.M.(Establishment) Traction
Church Gate Building
Western Railway, Mumbai.
3. Divisional Railway Manager
(Establishment) Divisional Office
Pratap Nagar, Western Railway
Vadodara (Gujarat), Bhopal.
4. Central Power Research Institute
Prof.Sir C.V.Raman Road
Sadashiva Nagar Sub Post Office
P.B.No.8066, Bangalore.

Respondents

(By advocate Shri M.N.Banerjee for Respondents 1-3)
Shri O.P.Namdeo for respondent No.4.

O R D E R (oral)

By Madan Mohan, Judicial Member


By filing this OA, the applicant seeks a direction to respondents 2 & 3 to calculate the terminal benefits of the applicant for the service rendered from 18.2.70 to 24.3.81 (i.e. from the date of joining the service of Western Railway to the date of his permanent absorption in the CPRI) and pay the same to CPRI at the earliest as a one time settlement in order to enable the CPRI to count his past services for combined pension in CPRI.

2. The brief facts of the case are that the applicant was appointed as A.E.F. in the scale of Rs.335-425(A) against the direct quota of RSC and was posted under DEE (TRD) VSRE Gr.30 w.Rly. Valsad from 18.2.1970. while officiating as CTFO (RC) PRTN at Vadodara, the applicant had applied for the post of Scientist Gr.V (Scale 700-1300) under the control of Central Power Research Institute i.e. respondent No.4 and he was selected and appointed as Scientist Grade V and was posted at Switchgear Testing and Power Development Station, Bhopal under Ministry of Energy vide order dated 16.1.79 (Annexure A1). The applicant was relieved from w.Rly. Vadodara vide order dated 16.3.79 (Annexure A2) to join duties at CPRI, Bhopal. On his satisfactory completion of probation, he was appointed as Scientist Grade V on regular basis w.e.f. 24.3.1981 vide order No.1402 (Annexure A3). The applicant had completed two years of service in the STDS and he had opted for permanent absorption in the STDS. The STDS had no objection to his permanent absorption in the STDS and therefore the CPRI sent a letter dated 13.8.82 (Annexure A4) to the Western Railways, requesting it to convey its consent as early as possible for issuance of orders of applicant's permanent absorption in the STDS. In response to it, the Western Railway issued a memo dated 17.9.82 (Annexure A5). The CPRI, in response to memo Annexure A5 sent a letter dated 4.10.82 (Annexure A6). Again, the Western Railway sent a letter (Annexure A7) to which the CPRI sent its reply (Annexure A8). The applicant submitted a representation to CPRI for counting of his past service rendered in Railways. Therefore the CPRI sent a letter dated 18.4.90 (Annexure A9). Since no response was received, the applicant sent a letter dated 16.8.91 (Annexure A10) requesting it to communicate the information as desired by CPRI. The applicant also submitted a detailed



representation to the GM (Esb.), Traction, Church Gate ~~Building~~, Western Railway, Mumbai. Since no response was received, the CPRI sent a letter dated 7.4.98 (Annexure A12), followed by a reminder (Annexure A13). Thereafter the applicant sent a legal notice (Annexure A14A). Thereafter the CPRI sent a letter dated 13.2.2001 in response to which the Western Railway sent its reply (Annexure A15). Thereafter the CPRI sent a letter (Annexure A16). The applicant also ~~sent a~~ representation to the Railway Minister. But his grievance is not redressed so far. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the ~~respondents that~~ the CPRI has not been notified under Section 14 of the AT Act and all service matters relating to CPRI are not maintainable before the CAT and our attention is drawn towards OA No. 997/03 K.K. Ittianan Vs. UOI decided on 3.1.04 by the Bangalore Bench of the Tribunal, in which the argument of the learned counsel for the respondents is supported. Learned counsel of the applicant argued that the aforesaid order of the Bangalore Bench is not applicable to the present case, as the applicant resides within the territorial jurisdiction of this Bench and in the aforesaid order, impugned order dt. 25.11.2003 was passed by Senior Administrative Officer, Central Power Research Institute, while in the present OA, the applicant is not seeking any direction against CPRI and further requested that the representation of the applicant dated 30.12.03 which is pending may be directed to be disposed of by the respondents at the earliest.



4. After hearing the learned counsel for both parties, this OA is disposed of directing respondents 2 & 3 to consider and decide the representation of the applicant dated 30.12.03 within a period of three months from the date of receipt of a copy of this order, by passing a detailed, speaking and reasoned order. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पूछांकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्जो धित:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) आवेदक श्री/श्रीमती/पु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/पु.....के काउंसल
- (4) वॉजमन, के.प्र.अ., जबलपुर न्यायापीठ
सूचना एवं आवश्यक कार्यवाही हेतु

KV Pethia
MV Baniya
OP Ramroo

उप रजिस्ट्रार

Issued
on 20.10.04
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