

26/7/2011 Mr. Amit Mathur, counsel for applicant
Mr. Harv Singh, counsel for respondents.

Heard. The OA stand. disposed of,
by a separate order.

Anil Kumar,
(Anil Kumar)
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

Jaipur, the 26th day of July, 2011

ORIGINAL APPLICATION No.151/2010

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISTRATIVE MEMBER

Pyare s/o Ramhans,
R/o Village Farnsho,
Post Virampura, Tehsil Bayana,
District Bharatpur.

... Applicant

(By Advocate : Shri Amit Mathur)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. General Manager,
North Central Railway,
Agra (UP).
3. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.
4. Sr.Divisional Officer,
West Central Railway,
Kota Division,
Kota.
5. Asstt. Divisional Engineer,
Agra Cantt.,
North Central Railway,
Agra (UP).

... Respondents

(By Advocate : Shri Hawa Singh)

Anil Kumar

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following relief :

"Respondents may be directed to make payment of all pensionary benefits including PF, Gratuity, Leave Encashment etc. to the applicant. Respondents may further be directed to make payment of other terminal benefits for which he is entitled for. The respondents may further be directed to make the payment of arrear alongwith the interest @18% per annum."

2. Heard learned counsel for the parties and perused the documents on record. Learned counsel for the applicant submitted that the present OA may be disposed of in terms of the averments made by the respondents in their reply.

3. The respondents in their reply have stated that the applicant was granted temporary status w.e.f. 27.4.1984 and retired from service on medical ground w.e.f. 28.5.2003. The applicant has not completed the qualifying service required for pension, as his service is less than 10 years. Therefore, the applicant is not entitled for pension. The respondents have further stated that the applicant has been paid service Gratuity amounting to Rs.25843 - 5119 [Railway dues] = Rs.20724/- , GIS amount Rs.53/-, LAP - nil, and PF amounting to Rs.36789/- . It is also submitted by the respondents that case of applicant's son for compassionate appointment can be considered by the DRM, North Central Railway, Agra, because the applicant retired from service on 28.5.2003 and Agra Division came into existence w.e.f. 1.4.2003. The respondents in their reply have also stated that no fundamental right of the applicant under the Constitution of India has been violated by them as the decision has been arrived at by taking into consideration the rules of Indian Railways. Therefore, the action taken by the respondents is fully justified, legal and valid and in consonance with the service law jurisprudence.

Anil Kumar

4. Thus, in view of the submission made by the respondents in their reply, no interference is called for by this Tribunal. The OA stands disposed of accordingly with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

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