

**Central Administrative Tribunal
Principal Bench, New Delhi**

CP No.339/2015
in
OA No.771/2013

this the 5th day of April, 2015

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)**

Shri Saroop Ram (Ex. Helper-II)
S/o Late Shri Shukh Ram
R/o H.No.235-C, Sec-1
Vaishali, Ghaziabad (UP). Petitioner

(By Advocate: Shri Lalta Prasad)
Versus

Shri Arun Arora
Divisional Railway Manager
Delhi Division (Northern Railway)
Pahar Ganj, New Delhi. Respondents

(By Advocate: Shri Satpal Singh)

ORDER (ORAL)

By Hon'ble Mr. V.Ajay Kumar, Member (J)

Heard both sides.

2. This Tribunal disposed of the OA No.771/2013 by its order dated 10.02.2015 as under :-

"6. I, therefore, allow this OA and direct the Respondents to count half the service rendered by the Applicant as casual labour and full service rendered by him with temporary status for the purpose of determining his total qualifying service for granting him the pensionary benefits. Thereafter, they shall re-determine his pensionary benefits. They shall also furnish a copy of the calculation with regard to his qualifying service as well as pension. However, it is noted that there is no dispute between the parties with regard to the periods of his absence which have not been counted for the purpose of qualifying service.

7. If the Applicant was entitled for second ACP/third MACP, benefits as claimed by him in this OA, they shall also consider the

same and pass a reasoned and speaking order. The aforesaid directions shall be complied with, within a period of 2 months from the date of receipt of a copy of this order.

8. If the Applicant has still any surviving grievance in this matter, he is at liberty to approach this Tribunal again by appropriate original proceedings, if so advised.

9. There shall be no order as to costs."

3. The said order has been upheld by the Hon'ble High Court of Delhi in WP No.7789/2015 along with batch of identical WPs by a common order on 18.01.2016.

4. Alleging non-implementation of the orders of this Tribunal, as upheld by the Hon'ble High Court, the present CP has been filed.

5. Today, Shri Satpal Singh, the learned counsel appearing for the respondents while producing a letter dated 25.04.2016, submits that though the respondents decided to file an SLP before the Hon'ble Supreme Court for which the process is underway, however, the competent authority has accorded approval for implementation of the aforesaid orders subject to outcome of the proposed SLP and accordingly he prays for closing of the CP.

6. In the circumstances and in view of the categorical statement made by the learned counsel, on instructions, and in view of the letter dated 25.04.2016, the C.P. is closed and notices issued to the respondents are discharged. However, it is open to the applicant to revive the C.P., if the respondents fail to comply with the orders of this Tribunal as submitted by them, within eight weeks from the date of receipt of a copy of this order. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

