

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

**CP No.448/2016
in
OA No.3019/2015**

this the 13th day of December, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

Niwas Verma
S/o Late Shri Ram Kishan Verma
R/o P-21, Near Dahiya X-Ray Clinic
Pana Udhaio, Narela
Delhi.

.....Petitioner

(By Advocate:Shri Ramesh Shukla for Shri R.K.Shukla)

Versus

1. Shri A.K.Puthia
The General Manager
Northern Railway Headquarter
Baroda House
New Delhi.

2. Shri B.D.Garg
The Chief Administrative Office (Const.)
Northern Railway, Kashmere Gate
Delhi.

.....Respondents

(By Advocate:Shri Shailender Tiwari and Shri V.S.R.Krishna)

ORDER (ORAL)

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

Heard both sides.

2. This Tribunal disposed of the OA No.3019/2015 by its order dated 14.08.2015, as under:-

"8. In view of the above position, we dispose of this OA with the direction to the respondents to verify the factual position stated by

the applicant with regard to the service rendered by him and to count 50% of casual service and the entire 100% temporary status casual service rendered by the applicant as qualifying service for the purpose of granting him the benefits under MACP and benefits under the pensionary rules. The respondents shall also pass appropriate orders implementing the aforesaid directions within a period of two months from the date of receipt of a copy of this order. There shall be no orders to costs."

3. The respondents have filed a compliance affidavit on 08.12.2016 and today produced an order passed in W.P. (C) Nos.9138/2014 and batch dated 01.12.2016 where-under it was clarified that the impugned order is stayed to the extent MACP benefits are concerned. Accordingly, it is submitted that they have complied with the directions of this Tribunal with regard to counting of 50% of casual service and the entire 100% temporary service for the purpose of pension and pensionary benefits, however, with regard to counting of the period for MACP benefits is not granted, since the matter is subjudice before the Hon'ble High Court and also before Hon'ble Apex Court in identical matters. It is further submitted by the respondents that in identical matters, this Tribunal has closed the contempt matters granting liberty to avail remedies once the issue regarding counting of the 50% casual service and the entire temporary service against MACP is finally decided by the higher Courts.

4. In the circumstances, the CP is closed. Notices are discharged. However the applicant is at liberty to avail his remedies, once the issue is finally settled by the higher Courts, in accordance with law. No costs.

(Uday Kumar Varma)
Member (A)

(V. Ajay Kumar)
Member (J)

