

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

OA-2257/2016

New Delhi, this the 14th day of July, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Shri Hari Mohan,
S/o Shri Nanoo Ram,
Aged 62 year,
Retd as Pointsman Grade-A.
R/o= WZ-45, OM Vihar,
Uttam Nagar, New Delhi-59.
(By Advocate : Sh. M.S. Reen)

... Applicant

Versus

Union of India & Others : through

1. The General Manager,
North Central Railway,
Allahabad (U.P.).
2. The Divisional Railway Manager,
North Central Railway,
Agra (U.P.)

...

Respondents

ORDER (ORAL)

Learned counsel for the applicant has submitted that the applicant was working as a Pointsman with the Railways. He acquired temporary status on 04.08.1980 and was regularized on 23.02.1989. He superannuated from service on 31.07.2014. His grievance is that the respondents were not counting 100% of his temporary status service for the purpose of pensionary benefits as well as for grant of ACP/MACP benefits. Learned counsel submitted that in the case of **General Manager, South Central Railway and Anr. Vs. Shaikh Abdul Khader**, reported in (2004(2) ATJ 23), Hon'ble

Andhra Pradesh High Court had laid down that 100% service of temporary status was to be counted for this purpose. A SLP filed against the order of the High Court was dismissed by the Hon'ble Apex Court. This judgment has also been followed by this Tribunal in OA No. 2072/2015 decided on 30.6.2015 in the case of **Santosh Kumar versus Union of India & Ors.** Against the judgment of this Tribunal, the respondents preferred a Writ Petition in the Hon'ble High Court of Delhi. However, this was dismissed by the Hon'ble High Court on 18.01.2016. In another case of **Union of India Vs. Gurdial Singh**, Hon'ble High Court had dismissed the Writ Petition of the respondents on the same issue. A SLP filed against the same was also dismissed.

2. Learned counsel stated that the applicant would be satisfied in case directions were given to the respondents to consider representations of the applicant dated 06.02.2014, 13.03.2015 and 10.03.2016 in the light of the aforesaid judgment and pass appropriate orders within a given time frame.

3. In view of the limited prayer made by the applicant, I dispose of this OA without issuing notices to the respondents and without going into the merits of the case, with a direction to the respondents to examine the aforesaid representations of the applicant in the light of the judgments mentioned above and decide the same by means

of a reasoned and speaking order within a period of 60 days from the date of receipt of a certified copy of this order. Needless to say, that if the applicant is still aggrieved by the decision of the respondents, he shall be at liberty to avail of his remedies under law. No costs.

(Shekhar Agarwal)
Member (A)

/ns/