

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**OA 4201/2015
MA 3808/2015**

this the 18th day of November, 2015

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

1. Jag Ram
Aged-63 years
S/o Shri Badloo
Retired from the post of Track man
From the office of SSE(P.Way), Gurgaon
R/o Vill. Jhabua, Tesh. Bawal
Distt. Rewari, Haryana
2. Suresh Singh
Aged-59 years
S/o Shri Phool Singh
Retired from the post of Trolleyman
From the office of SSE(P.Way), Gurgaon
R/o Vill & PO Jatola, Distt.
Gurgaon (Har.)
3. Jage Ram, aged 57 years
S/o Shri Hari Singh
Retired from the post of Trackman
From the office of SSE (P.Way) Gurgaon
R/o Vill. Bhiroda, PO Karola, Tesh. Patodi
Distt. Gurgaon (Har.)
4. Daya Chand,
Aged 56 years
S/o Shri Jai Lal
Retired from the post of Gatekeeper
From the office of SSE (P.Way), Gurgaon
R/o Vill Bharoda, Tesh. F/Nagar
Distt. Gurgaon (Har.)
5. Dharam Singh
Aged 62 years
S/o Shri Challo Ram
Retired from the post of Gatekeeper
From the office of SSE(P.Way) Gurgaon
R/o Vill & PO Jatola, Distt. (Gurgaon (Har.)
6. Bhondu Ram
Aged 58 years
S/o Shri Ganeshi
Retired from the post of Gangman/Trackman

From the office of SSE (P.Way) Gurgaon

7. Jagdish
 Aged 60 years
 S/o Shri Khansi Ram
 Retired from the post of Trackman
 From the office of SSE (P.Way), Gurgaon
 R/o Vill Gudhana, PO Sherpur,
 Distt. Gurgaon (Har.)

8. Ram Her
 Aged 61 years
 S/o Shri Tokha Ram
 Retired from the post of Trackman
 From the office of SSE (P.Way)
 Gurgaon

....Applicants

(By Advocate: Ms. Barkha for Shri Yogesh Sharma)

VERSUS

1. Union of India through
 The General Manager
 Northern Railway,
 Baroda House, New Delhi

2. The Divisional Railway Manager
 Northern Railway, Delhi Division
 State Entry Road, New Delhi

3. The Sr. Divisional Personal Officer
 Northern Railway, Delhi Division
 State Entry Road, New Delhi

....Respondents.

(By Advocate: Shri P.K.Singh for Shri R.N.Singh)

ORDER (ORAL)

By Hon'ble Mr.V. Ajay Kumar,

Heard both sides.

2. MA No.3808/2015 filed under Rule 4 (5) (a) of the CAT (Procedure) Rules, 1987, for filing a simple application, is allowed.

3. The applicants (retired employees), who were working under the respondents on various categories, filed the present OA seeking the following reliefs:-

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to count half casual service and

entire temporary status service as a qualifying service for granting retirement benefits and consequently, pass an order directing the respondents to re-calculate all the retirement benefits of the applicants and grant the difference of amounts to the applicants immediately with interest at the rate of 18% PA.

- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to count half casual service and entire temporary status service as a qualifying service for granting the benefits of MACP scheme and consequently, pass an order directing the respondents to grant the third financial upgradations to the applicants in the Grade pay of Rs.2400/- from the due dates on completion of 30 years of qualifying service with all the consequential benefits including the re-fixation of pay, revision of retirement benefits, arrears of difference of pay and allowance and difference of retirement benefits with interest.
- (iii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents (Railway Board) to amend the Railway circulars regarding grant of financial upgradation under ACP/MACP scheme to the effect that counting of half casual service and entire temporary status service as a qualifying service for granting the benefits of MACP scheme.
- (iv) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation."

4. It is submitted that applicants have made number of representations and also got issued legal notice vide Annexure A-1 dated 11.08.2015 ventilating their grievance to the respondents however, the respondents have not passed any order thereon till date.

5. In the circumstances, the OA is disposed of, at the admission stage without going into the merits of the case, by directing the respondents to consider the legal notice (Annexure A-1 dated 11.08.2015) and pass appropriate reasoned and speaking order within 90 days from the date of receipt of a copy of this order, in accordance with law. No costs.

6. Let a copy of the O.A., be enclosed to this order.

(UDAY KUMAR VARMA)
Member (A)

(V. AJAY KUMAR)
Member (J)

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