

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 8th day of March Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00269/2018

Syed Makbool,
Retd. Staff Car Driver,
Sr. DEN/Co-Ord/ /MAS Division,
No.85, VOC Colony,
Lakshmipuram, Kolathur,
Chennai- 600 056.Applicant

(By Advocate : M/s. Ratio Legis)

VS.

1. Union of India Rep. by
The General Manager,
Southern Railway,
Park Town, Chennai-3;

2. The Sr. Divisional Personnel Officer,
Chennai Division,
Southern Railway,
Chennai.Respondents

(By Advocate: Mr. P.Srinivasan)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

The applicant is aggrieved by the rejection of his representation by Annexure-A3 communication dated 06.12.2017 stating that for the purpose of counting gratuity had been determined under Rule No. 31 of Railway Servants (Pension) Rules 1993 and accordingly 50% of CPC service was taken into account for calculating pensionary benefits. It is submitted that the applicant was entitled to 100% counting of his qualifying service. As he was not a contingent paid employee, Rule 31 of Railway Servants (Pension) Rules 1993 was not applicable to his claim.

2. On perusal, it is seen that the applicant had not raised the relevant issues in his representation and, as such, his representation seems to have been disposed of through the impugned order which is evidently non-speaking.

3. Learned counsel for the applicant would submit that the applicant would be satisfied if he is permitted to make a comprehensive representation with necessary evidence to the fact that he was a 'scale of pay' employee not a 'contingency paid employee' along with a request for counting of his full service in terms of the relevant rule and the respondents directed to consider such representation within a time limit to be set by the Tribunal.

4. In view of the aforesaid submission, the applicant is permitted to submit a comprehensive representation of his grievance within a period of

two weeks from the date of receipt of a copy of this order. On receipt of such representation, respondents shall consider the matter in accordance with the relevant rules and pass a reasoned and speaking order within a period of six weeks thereafter. With the above terms, the O.A. is disposed of. No costs.

(R. RAMANUJAM)
MEMBER(A)

8.3.2018

asvs.