

O.A.No.350/60/2018



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**CALCUTTA BENCH, KOLKATA**

O.A. No.350/60 of 2018

In the matter of :

An application under Section

19 of the Administrative

Tribunals Act, 1985;

And

In the matter of :

Sudhir Kumar Bhowmik, son  
of Late Meghnath Bhowmik,  
residing at Laxminarayan  
Apartment, Flat No. 102  
(Ground Floor), Arupara, Post  
Office- G.I.P. Colony, Howrah -  
711112.

... Applicant

-Versus-

1. The Union of India,  
service through General  
Manager, South Eastern  
Railway, 11, Garden Reach  
Road, Kolkata-700043.

*nd*

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2. The General Manager,  
South Eastern Railway, 11,  
Garden Reach Road, Kolkata-  
700043.

3. The Chief Personnel  
Officer, Garden Reach, South  
Eastern Railway, 11, Garden  
Reach Road, Kolkata-700043.

4. The Divisional Railway  
Manager, South Eastern  
Railway, Kharagpur, Post  
Office - Kharagpur, District -  
Paschim Medinipur, Pin -  
721305.

5. The Senior Divisional  
Personnel Officer, South  
Eastern Railway, Kharagpur,  
Post Office - Kharagpur,  
District - Paschim Medinipur,  
Pin - 721305.

6. The Senior Divisional  
Commercial Manager, South

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Eastern Railway, Kharagpur,  
Post Office - Kharagpur,  
District - Paschim Medinipur,  
Pin - 721305.

7. The Senior Divisional  
Finance Manager, South  
Eastern Railway, Kharagpur,  
Post Office - Kharagpur,  
District - Paschim Medinipur,  
Pin - 721305.

... Respondents

*✓ All*

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

O A NO.350/ 60/2018

Date of order: 12.04.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : In Person

For the respondents : Mr. M. K. Bandyopadhyay

ORDER

Mr.A. K. Patnaik , Judicial Member

This O. A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

" I) An order or direction do issue directing the respondents to pay entire amount as pensionary benefit after calculating 50% service rendered by the applicant prior to his permanent absorption in railway as per the letter of CPIO-38 & DE (N) II of Railway Board dated 12.03.2014 received through RTI query as well as Hon'ble Supreme Court's direction on Civil Appeal NO. 3938 of 2017 arising out of SLP(C) No. 23723 of 2015 decided on 24.03.2017;

II) To pass any or further order/orders as to Hon'ble Tribunal may seem fit and proper".

2. Heard the applicant in person. Ld. Counsel for the respondents Mr. M.K.

Bandyopadhyay is also present:

3. Brief facts of this case as narrated by the applicant are that he had joined as Ticket Checking Volunteer to assist the Ticket Checking Staff (Travelling Ticket Examiner, Head Ticket Examiner) in running train and railway stations on 22.06.1984. It is submitted by the applicant that after working continuously for more than a year he was disengaged from service. It is further stated by the



applicant that he approached various authorities of railways for his re-engagement but in vain.

The applicant submitted that finding no other alternative he along with 48 other similar Ticket checking volunteers had filed an application before this Tribunal vide O. A. No. 159 of 1986 (Sagar Biswas & Ors. –versus- Union of India & Ors.). The said O.A. was disposed of by this Tribunal on 08.10.1986 with the following directions:-

“That the applicant be treated as Temporary employee and their service condition will be governed by the rules of railways”.

The applicant further submitted that he along with 11 other candidates were re-engaged as volunteers in ticket checking duty under the Senior Divisional Commercial Superintendent, Kharagpur vide order No. COM/G-42/57/CTT((M) dated 29.12.1986. But the railway authorities filed one SLP (Civil) No.11351 of 1987(Union of India & Ors. – Vs- Sagar Biswas & Ors.) before the Hon'ble Supreme Court of India and the said SLP was dismissed by the Supreme Court on 15.03.1991. It is submitted that thereafter he appeared in the screening test and passed under the medical category “Aye Two” on 16.07.1993 and was permanently absorbed as T. P. in operating Department on 22.07.1993. The applicant further submitted that he got promotion to the post of Goods Guard on 07.04.1998, as Senior Goods General on 26.07.2006 and Passenger Guard on 02.10.2006. The applicant also submitted that on being medically de-categorized from the post of Passenger Guard he was posted as Office Superintendent under Senior Divisional Commercial Manager/Kharagpur on 03.08.2012 and finally took voluntary retirement with effect from 01.02.2014.

The grievance of the applicant is that his settlement dues were not calculated properly by the respondents. According to the applicant, his



settlement dues were to be calculated from 22.07.1993 to 31.01.2014 for the purpose of his retiral benefits as per rules but 50% of his casual/temporary period of service has not been calculated by the respondents for his pensionary benefits. The applicant submitted that he submitted an appeal to the Railway Authority to consider the aforesaid period for pensionary benefit but the respondent authorities did not consider and dispose of his appeal till date. Hence, he approached this Tribunal seeking the aforesaid reliefs.

4. The applicant has drawn my attention to his representation dated 24.05.2017(Annexure A/8) addressed to the General Manager, South Eastern Railway, Garden Reach, Kolkata and other authorities of South Eastern Railway seeking consideration of 50% casual/temporary period of his service for pensionary benefits as per judgment of the Hon'ble Apex Court dated 24<sup>th</sup> March, 2017 in the Civil Appeal No.3938 of 2017(Arising out of SLP(c) No.23723 of 2015 and submitted that the said representation has not yet been considered/disposed of by the respondent authorities. The applicant further submitted that he would be happy if a direction is given to the respondent No. 1 to consider the representation dated 24.05.2017(Annexure A/8) as per rules and regulations in force by passing a reasoned and speaking order within a specific time frame.

5. I have considered the submissions made by the applicant in person. I find that it will not be prejudicial to either of the parties if a direction is issued to the respondent No. 1 i.e. General Manager, South Eastern Railway, 11, Garden Reach, Kolkata- 700 043 to consider and dispose of the representation of the applicant dated 24.05.2017 (Annexure A/8) as per rules and regulations in force within a specific time frame.



6. Accordingly, the O. A. is disposed of with a direction to the respondent No.1 i.e. the General Manager, South Eastern Railway, 11, Garden Reach, Kolkata-700 043 or any other competent authority to consider and dispose of the representation of the applicant dated 24.05.2017 (Annexure A/8) by passing a reasoned and speaking order as per rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the decision to the applicant forthwith. If the claim of the applicant is found to be genuine, then the respondent authorities are further directed to extend the benefits to the applicant within a further period of six weeks from the date of taking decision in the matter.

7. It is made clear that I have not gone into the merits of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules.

8. With the above observations and directions, the O. A. stands disposed of. No order as to cost.



( A. K. Patnaik )  
Judicial Member

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