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In the Central Administrative Tribunal  
Calcutta Bench

D.A. No. 350/1776 of 2017

Baneshi Sahoo,  
son of late Srinivas Sahoo, aged about  
62 years, ex. Chowkidar/SSC/PA/GUD,  
S.E. Railway, Kharagpur, residing at  
Bira, P.O. Chandri, P.S. Charkram,  
Dist. Paschim Medinipur, Pin. 721507.

.... Applicant

versus

1. Union of India, through the General  
Manager, South Eastern Railway,  
Garden Reach, Kolkata 700043.

2. Chief Personnel Officer,  
South Eastern Railway, Garden Reach,  
Kolkata 700043.

3. Divisional Railway Manager  
(Personnel), Kharagpur, South Eastern  
Railway, P.O. Kharagpur, Dist. Paschim  
Medinipur, Pin. 721301.

4. Senior Divisional Personnel Officer,  
(Settlement), Kharagpur, P.O. Kharagpur  
Dist. Paschim Medinipur, Pin. 721301.

... Respondents

contd. 2

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

No.O.A.350/1776/2017

Date of order : 24.05.2018

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

For the applicant : Mr. T.K. Biswas, counsel

For the respondents : None

**ORDER (ORAL)**

**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:-

"8(a) An order directing the respondents to set aside the order dated 8.9.2017 (Annexure A-8) and further directing the respondents to regularize his service w.e.f. 2003 (Annexure A-2 & A-3) basis and thereafter release the pension (i.e. Old Pension Scheme) basis along with arrear pension with 18% interest thereon for delayed payment of pension;

(b) And to pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard Mr. T.K. Biswas, Id. counsel for the applicant. None appears for the respondents.
3. Brief facts of the case as narrated by Id. counsel for the applicant are that the applicant had earlier filed an application before this Tribunal being O.A.No.350/143/2017 which was disposed of vide order dated 28.06.2017, relevant portion of which reads as under:-

"5. The applicant being more than 60 years old, I do not think it appropriate to issue notice moreso when the representation is still pending.

*VdL*

Hence, I dispose of this O.A. without waiting for reply by directing the respondent No. 4, that if any such representation have been preferred on 10.7.2014 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicants' grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to grant pension to the applicant. However, if in the meantime, the representation stated to have been made on 10.7.2014 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order."

In pursuance of the order of this Tribunal dated 28.06.2017, the respondents have passed an order dated 08.09.2017(Annexure A/8) whereby the prayer of the applicant for considering his services under the Old Pension Scheme has been rejected. Challenging the said order of rejection dated 08.09.2017(Annexure A/8), the applicant has come to this Tribunal seeking the aforesaid reliefs.



4. Mr. T.K. Biswas, Id. counsel for the applicant fairly submitted that the applicant would be satisfied for the present if the applicant is given liberty to file a comprehensive representation to the Respondent No.1 and 2 ventilating his grievances therein and the said respondent authorities or any other competent authority is directed to consider and dispose of the representation of the applicant, if so filed, as per rules/guidelines in force, within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly liberty is given to the applicant to make a comprehensive representation to the Respondent No.1 i.e. the General Manager, South Eastern Railway, Gardenreach, Kolkata and the Respondent No.2 i.e. the Chief Personnel

Officer, South Eastern Railway, Gardenreach, Kolkata ventilating his grievances therein within 15 days from the date of receipt of a copy of this order and the said authorities or any other competent authority is directed to consider and dispose of the representation of the applicant as per rules and guidelines governing the field and communicate the decision to the applicant by way of a well reasoned order within a period of six weeks from the date of receipt of the representation, if so filed. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, if any, the respondent authorities shall grant such benefits to him within a further period of six weeks from the date of taking decision in the matter.

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

7. With the above observations and directions, the O.A. is disposed of. The applicant may annex a copy of this order along with the representation to be filed by him to the respondent authorities.

8. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to Respondent No.1 and 2 by the Registry for which Id. counsel for the applicant shall deposit the cost within one week.

( A.K. Patnaik)  
Judicial Member

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