

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA

BENCH, KOLKATA

O.A. 1809/2017

M.A. 1016/2017

PARTICULARS OF THE APPLICANT

- 1) Gopal Chandra Mondal, S/o Harindaranath Mondal, aged 41 years, working as Junior Engineer (Bridge) at Kharagpur-II, S.E.Railway, Kharagpur residing at Block No. SII/22, Unit-4, New Development, Post- Kharagpur, Dist- Paschim Medinipur, Pin- 721301, West Bengal.
- 2) Sukumal Kanti Adhikary, S/o Santosh Kumar Adhikary age 45 years, working as Junior Engineer (Bridge) Kolaghat, Kharagpur Division, residing at Vill- Keshabpur, Post- Keshabpur, Dist- Howrah, Pin - 711411, West Bengal.
- 3) Sumit Ghosh, S/o Achintya Kumar Ghosh, age 46 years residing at Ashiyan Apartment Flat No. 64/A, 9/1/1 V.K. Dutta Road, P.O- Dumdum, Dist- 24 Paraganas, Pin 700028, West Bengal.
- 4) Samim Hasan, Son of Abdul Hai Siddique, age about 45 years, a resident of Sarpul, Dist- 24 Paraganas, Pin - 743286, West Bengal.

.....Applicants.

-VS-

1. The Union of India, through The General Manager, South Eastern Railway, Garden Reach, Kolkata- 700043.
2. Chief Personnel Officer, South Eastern Railway, Kolkata- 700043.
3. Senior Divisional Personnel Officer, South Eastern Railway, P.O- Kharagpur, Dist- West Medinipur, Pin -721301.
4. Senior Divisional Personnel Officer, South Eastern Railway, P.O- Chakradharpur, Dist- West Singhbhum, Jharkhand.

..... Respondents

Wc

No. O.A. 350/01809/2017
M.A. 350/01016/2017

Date of order: 5.6.2018

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

For the Applicant : Mr. M.S.S. Rao, Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. M.S.S. Rao, Ld. Counsel for the applicant and Mr. B.L. Gangopadhyay, Ld. Counsel for the official respondents.

2. The Miscellaneous Application bearing No. 1016/2017 filed by the applicants under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 for joint prosecution is allowed.

3. This OA has been filed by the applicants praying for the following reliefs:

- "i) An order directing the respondents to treat the applicants deem to have appointed from the year 2003 as held by Hon'ble Ernakulam Bench.
- ii) To direct the respondents 2 & 3 to treat and provide the applicants with the benefits accrued on old pension scheme i.e. CCS (Pension) Scheme, 1972 from the date of their deem appointment, and all other consequential benefits related thereto.
- iii) Any other relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case may be given in favour of the applicants.
- iv) Leave may be granted to file this original application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987."

4. The facts in a nut shell as per Mr. Rao, Ld. Counsel for the applicant, are that the applicant along with three other candidates applied under Employment Notice No. JEN/1/2003 published in Employment Notice for the post of Junior Engineer (Bridge) Gr. II in the scale of Rs. 5000-8000/-. Written exams were conducted on 23.5.2004 and the applicants came out successful and thereafter appointment letters were issued in their favour. They were subjected to training for a period of 2 years and after successful completion of training they were appointed against regular cadre and were placed under New Pension Scheme.

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The vacancies for the said category arose prior to 1.1.2004 and, therefore, they were entitled to the benefits of GPF/Old Pension Scheme which existed prior to 1.1.2004. He preferred representation dated 21.8.2017, which is still pending consideration.

5. Mr. Rao, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to consider and dispose of the representation dated 21.8.2017 within a specific time frame.

6. Therefore, I dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant has been preferred on 21.8.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

7. Though I have not entered into the merits of the case still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken by the concerned respondent No. 2 within a further period of four weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime, the said representation stated to have been preferred on 21.8.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Rao, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Rao undertakes to deposit necessary cost in the Registry by this week.

(A.K. Patnaik)
Judicial Member