

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No. 43 OF 2018

DATED THIS MONDAY, THE 26th FEBRUARY, 2018

CORAM : HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Shri Bhagwan Goverdhan Dange,
Age 61 yrs.,
Retd. Motor Vehicle Driver of
Divisional Railway Manager's Office,
Solapur Division, Central Railway,
Solapur 413 001.

Distt. Solapur (MS) R/o Post. Kurduwadi,
Tal. Madha, Distt. Solapur 4.

- Applicant

(By Advocate Shri D.N. Karande)

VERSUS

- 1) Union of India,
through the General Manager,
Central Railway,
2nd floor of General Manager's Office Bldg.,
CSTM Mumbai 400 001.
- 2) Chief Personnel Officer, Central Railway,
1st Floor, of G.M.'s Office Bldg.,
CST Mumbai 400 001.
- 3) Divisional Railway Manager,
Solapur Division,
Central Railway, Modi Khana,
Solapur 413 001 (MS).
- 4) Sr. Divisional Personnel Officer,
Solapur Division,
Central Railway, DRM's Office,
Solapur 413 001 (MS).
- 5) Asstt. Divisional Engineer,
Central Railway,
at/Post Kurduwadi, Tal. Madha,
Distt. Solapur 413 209.

- Respondents

ORDER (ORAL)

Today when the matter is called out for admission, heard Shri D.N.Karande, learned Advocate for the applicant. I have carefully perused the case record.

2. The applicant retired as Motor Vehicle Driver on 31.07.2017 while working under respondent No.5. Thereafter, superannuation pension was sanction to him and PPO (Pension Payment Order) dated 31.07.2017 was issued to him by respondent No.4.

3. In this OA, the following reliefs are sought by the applicant :-

“8(a). That this Hon'ble Tribunal may call for the records pertaining to the case of the applicant which led to issue the impugned PPO.

(b). This Hon'ble Tribunal may kindly quash and set aside the impugned PPO (A-1) issued in favour of the applicant without taken into consideration the service rendered by him during the period from 26-3-86 to 01-3-95.

(c). This Hon'ble Tribunal may kindly treat the service rendered by the applicant during the period 19-12-1986 to 22-05-1995 as an officiating and direct the Respondents to re-fix the applicant's Pension and Pensionary benefits taking into the aspect of the said officiating pay.

(d). That the respondents be directed to restore all the increments with all consequential benefits for re-computation of Pension and Pensionary benefits of the applicant.

(e). Cost of this O.A. may kindly be saddled on the respondents.

(f). Any other relief that this Hon'ble Tribunal deem fit to be granted."

4. According to the applicant, service rendered by him for the period from 26.03.1986 to 01.03.1995 was not taken into consideration for determining the period of qualifying service. The record shows that during that period, the pay of the applicant was reduced to that of Gangman, although according to him, he worked as Motor Vehicle Driver.

5. The learned Advocate for the applicant submitted that after receiving the PPO, the applicant realized that full qualifying service has not been taken into account by the respondents for fixation of pension. The applicant thereafter submitted a representation dated 21.05.2015 to the respondent No.5 with its copy to the respondent No.4 and Senior Divisional Engineer for redressal of his grievance. However, according to him, nothing has been heard from the other end.

6. Considering the fact that the claim is for the pensionary benefit and grievance is

regarding incorrect calculation of the qualifying service, although there is delay in submitting the representation, it is obvious that no decision has been taken by the respondents on the said representation either rejecting or allowing it.

7. In view of this, it is necessary in the interest of justice to issue appropriate directions towards redressal of the applicant's grievance.

8. The respondent No.3, Divisional Railway Manager, Solapur Division, Solapur is hereby directed to consider and pass a reasoned and speaking order on the pending representation dated 21.05.2015 of applicant in accordance with law within a period of eight weeks from the date of receipt of certified copy of this order. He may call the requisite information and copy of the representation from the respondents Nos.4 and 5.

9. The decision so taken shall then be communicated to the applicant at the earliest who will be at liberty to approach the appropriate forum.

10. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents or without making any comments on merits of the case and keeping the legal plea regarding limitation open.

11. Registry is directed to supply certified copy of this order to both the parties at the earliest.

(Arvind J. Rohee)
Member (Judicial)

*kmg**