

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 335 OF 2018

Date of Decision: 19th June, 2018

***CORAM:HON'BLE SHRI ARVIND JAYRAM ROHEE, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)***

1. Shri Manoj Kumar,
Age 38 years, (D.O.B : 04.01.1979),
Working as Station Master / JOS,
Residing at : A/703, Sky Height Building,
Four Road, Nallasopara (W),
Palghar – 401 203.
2. Shri Vijay Singh Kasve,
Age : 38 years, (D.O.B : 05.06.1979),
Working as Station Master / Dungri,
Residing at : P/No.5/A, Someshwar Park,
Panchayat Road, Valsad, Mumbai.
3. Shri Narendra Kumar,
Age 43 years, (D.O.B : 02.01.1974),
Working as Station Master / BIM,
Residing at : Q.No.T/36/B, Railway Colony,
Bilimora (E), Gandevi Navsari 396321.
4. Shri Kailash Kumar,
Age 41 years, (D.O.B : 05.03.1976),
Working as Station Master / BL,
Residing at : F/No.541, 1st Floor, Sector 30,
Faridabad, Haryana.
5. Shri Shishir Kumar Kaushik,
Age 40 years, (D.O.B : 17.10.1977),
Working as Station Master / NVS,
Residing at : B-202, Shivani Complex,
Ghelakhadi Road, Navsari 396450.
6. Shri Rakesh Kumar Gupta,
Age 39 years, (D.O.B : 26.06.1978),
Working as Station Master / Amalsad,
Residing at : C/o-SS/Amalsad, Talgandevi,
Distt. Navsari 396 310.
7. Shri Bipin Kumar,
Age 41 years, (D.O.B : 15.05.1976),

Working as Station Master / UVD,
 Residing at : C/O-SS/UVD Railway Station,
 Tal – Pardi, Distt. Valsad 396 185.

8. Shri Suresh Kumar Bagri,
 Age 35 years, (D.O.B : 25.05.1982),
 Working as Station Master / DRD,
 Residing at : D/7/4, Reliance Colony,
 Dahanu Thermal Power Station,
 Dahanu Road, Distt. Palghar 401 608.
9. Shri Dewesh Kumar Jha,
 Age 41 years, (D.O.B : 19.12.1976),
 Working as Station Master / UVD,
 Residing at : 403, Sundaram Apartment,
 Orwad Udvada, Tallukakilla,
 Distt. Valsad 396 185.
10. Pradip Kumar Singh,
 Age 40 years, (D.O.B : 22.04.1977),
 Working as Station Master / VPI,
 Residing at : T/58-A, Railways Colony Vapi,
 Vapi Railway Station, Valsad 396 191.
11. Shri Sonit Kumar,
 Age 40 years, (D.O.B : 01.11.1977),
 Working as Station Master / CCG,
 Residing at : A-101. New Ideal Park,
 Tirupati Nagar Phase – 2, Virar (West),
 Palghar 401 303.
12. Shri Sanjay Kumar,
 Age 43 years, (D.O.B : 08.02.1974),
 Working as Station Master / BDTS
 Residing at : 302, Building No.44,
 Rustomjee Evershine, Global City, Virar (West),
 Palghar – 401 303.
13. Shri Ajit Kumar Singh,
 Age 47 years, (D.O.B : 04.03.1970),
 Working as Station Master / BVI,
 Residing at : H-12, 101, Global City,
 Virar (West), Palghar 401 303.
14. Shri Vijay Kumar,
 Age 41 years, (D.O.B : 04.09.1976),
 Working as Station Master / VR,
 Residing at : B-503, Mogra Building,
 Yashwant Nagar, Virar (West), Palghar 401 303.

15. Shri Satyam Kumar,
Age 41 years, (D.O.B : 25.01.1977),
Working as ATNL / BCT,
Residing at : 304/B, Building No.3,
Vinay Unique Residency, Gokul Township,
Bolinj, Virar (West), Palghar – 401 303.
16. Shri Lal Babu Singh,
Age 40 years, (D.O.B : 25.07.1977),
Working as Station Master / PLD,
Residing at : C/O SS/ Paldhi, Taluka – Dharangaon,
Distt. Jalgaon 425 103.
17. Shri Ghanshyam Bhaisare,
Age 39 years, (D.O.B : 22.01.1978),
Working as Station Master,
Residing at : Pratap Takij, Annapura Harda Tahsil,
Distt. Harda, Madhya Pradesh – 461 331.
18. Shri Anil Kumar Ghorse,
Age 41 years, (D.O.B : 05.12.1976),
Working as Station Master / NDB,
Residing at : Plot No.66, Patelwadi,
Nandurbar – 425 412.
19. Shri Satya Narayan Singh,
Age 40 years, (D.O.B : 01.03.1977),
Working as ATNL/ NDB,
Residing at : C/O CTNL NDB,
Nandurbar Control Office, Nandurbar 425 412.
20. Shri Santosh Kumar,
Age 40 years, (D.O.B : 20.10.1977),
Working as Station Master / ST,
Residing at : Flat No.104, B-II, Swastik Residency,
Dindoli – Kharwasa, Distt. Surat 394 210.
21. Shri Shivaji Singh,
Age 45 years, (D.O.B : 21.01.1972),
Working as Station Master / VDH,
Residing at : SS- VDH, Railway Station, Vedchha.
22. Shri Gyan Nandan Sinha,
Age 36 years, (D.O.B : 01.03.1981),
Working as Office Superintendent / BCT,
Residing at : B-203, Poonam Avenue CHSL,
Tirupati Phase -I, Virar (West), Palghar 401 303.

23. Shri Akhilesh Fating,
Age 43 years, (D.O.B : 08.06.1974),
Working as Station Master / MRU,
Residing at : C-205, Marigold Building,
Yashwant Nagar Complex, Virar (West),
Palghar 401 303.
24. Shri Sunil Kumar,
Age 41 years, (D.O.B : 21.06.1976),
Working as Station Master / VYA,
Residing at : Flat No.C1-301, Amarvilla Township,
Near Singi Fariya, Vyara, Distt. Tapi 394650.
25. Shri Brajesh Gupta,
Age 39 years, (D.O.B : 05.01.1978),
Working as Station Master / HOL,
Residing at : C/O – SS/HOL,
HOL Railway Station, Taluka – Sindkheda,
Distt. Dhule 425 406.
26. Shri Anil Kumar Keshri,
Age 45 years, (D.O.B : 04.03.1972),
Working as Station Master / BIV,
Residing at : 46/T, Railway Colony,
Bardoli, Distt. Surat 394 601.
27. Shri Karu Prasad,
Age 44 years, (D.O.B : 27.01.1973),
Working as Station Master / CPD,
Residing at : C/O -SS/CPD, Pochinchpada,
Taluka – Nawapur, Distt. Nandurbar 425 417.
28. Shri Ram Prasad,
Age 42 years, (D.O.B : 25.03.1975),
Working as Station Master / CUE,
Residing at : Q-2T, Railway Colony,
Chaupale Station, Distt. & Post : Nandurbar,
Maharashtra – 425 412.
29. Shri Kamlesh Kumar Singh,
Age 43 years, (D.O.B : 07.07.1974),
Working as Station Master / PL,
Residing at : A/G-3, Mathuresh Krupa CHSL,
Avenue – A1, Global City, Virar (West),
Palghar 401 303.
30. Shri Makar DhwajSethi,
Age 41 years, (D.O.B : 24.05.1976),
Working as Station Master / VGN,

Residing at : T/28 A, Railway Colony,
Vangaon, Palghar – 401 103.

31. Shri Amarnath Choudharty,
Age 39 years, (D.O.B : 05.09.1978),
Working as Station Master / CCG,
Residing at : A-201, Dwarkesh Plaza Building,
Virat Nagar, Virar (West),
Palghar 401 303. **Applicants**

(By Advocate Shri Raghvendra Mehlotra, learned Advocate for Shri Akhilesh M. Yadav)

VERSUS

1. Union of India, Through : the Secretary,
Railway Board, Rail Bhavan,
Indian Railways, New Delhi 110 011.
2. The Secretary,
Railway Recruitment Board, Mumbai
Divisional Office Compound,
Mumbai 400 008.
3. The General Manager, Western Railway,
Headquarter Office, Churchgate,
Mumbai 400 020.
4. The Divisional Railway Manager,
Western Railway,
Mumbai Division, Mumbai Central,
Mumbai 400 008. **Respondents**

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today when the matter is called out for Admission, heard Shri Raghvendra Mehlotra, learned Advocate instructed by Shri Akhilesh Yadav, learned Advocate for the applicants. We have carefully perused the case record.

2. In this OA, by this Joint Application under Section 19 of the Administrative Tribunals Act, 1985, the applicants who are presently working as Station Masters at different Railway Stations under Respondent No.4 - Divisional Railway Manager, Western Railway, Mumbai Division, Mumbai Central, Mumbai, approached this Tribunal seeking following reliefs:-

"8.A) By issue of an appropriate order or directions the Respondent authroities may be directed to consider case of the Applicants for conversion to old pension scheme and include them in CCS (Pension) Rules 1972 / Railway Services (Pension) Rules, 1993 and its benefits with all consequential reliefs may kindly be released to the applicants within a period of 2 months further thereto;

B) The respondents may further be directed to stay the deduction of the amount under the head of New Pension Scheme and previously deducted amount unde the New Pension Scheme may be converted into CCS (Pension) Rules 1972 / Railway Services (Pension) Rules, 1993 as herein mentioned as Old Pension Scheme.

C) Direct the respondents to induct the applicant into statutory pension scheme under CCS (Pension) Rules, 1972 / Railway Services (Pension) Rules, 1993 Pension Rules notionally treating them to have been appointed as Prob. Assistant Station Master from the date of occurrence of vacancies in the year 2002 for the limited purpose of grant of pension under CCS (Pension) Rules 1972 / Railway Services (Pension) Rules, 1993.

D) Direct the respondents to stop all recoveries from the pay and allowances of the applicant towards New Pension Scheme and refund the entire amount so far recovered from the applicants with immediate

effect.

E) Any other or further suitable reliefs to which the applicant may be found eligible and entitled in facts and circumstances of the case may kindly be granted in the interest of justice and equity.

F) Cost of this application be provided for"

3. The grievance of the applicants is that although they have joined after 01.01.2004, the recruitment process was initiated on 29.06.2002 for the vacancies which accrued prior to 01.01.2004, when the New Pension Scheme came into force. As such, according to them they are governed by the Pension Rules and are entitled to pensionary benefits on superannuation.

4. The record shows that the applicants have submitted separate representation to respondent No.4 on various dates vide Annexure A-1 collectively (page 68 to 91 of the OA). However, nothing has been heard from the other end. In view of above, there is no impugned order as such by which the applicants claim has been declined and which can be judicially reviewed by this Tribunal.

5. **MP No.267/2018** for permission to file Joint Petition is allowed since the

applicants are similarly placed and are seeking same relief.

6. In view of above, we are of the considered view that ends of justice will be better served in case appropriate directions are issued in the matter.

7. It is revealed that the respondent No.2 - The Secretary, Railway Recruitment Board, Mumbai has been unnecessarily impleaded who is not neither necessary nor proper party in the matter. Hence, his name be deleted from the array of parties in OA. The Competent Authority from respondent Nos.1, 3 and 4 is directed to consider and pass a reasoned and speaking order on the pending representations of the applicants in accordance with law within a period of eight weeks from the date of receipt of a certified copy of this order.

8. The order so passed shall then be communicated to the applicants at the earliest who will be at liberty to approach the appropriate forum in case their grievance still persist.

9. In addition to the representations submitted by the applicants, the Competent Authority from respondent Nos.1, 3 and 4 is directed to consider averments made in the present OA and the copies of various decisions enclosed therewith for taking final decision in the matter.

10. Registry is directed to send copies of OA to respondent Nos.1, 3 and 4 alongwith copy of this order.

11. The Original Application stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents and without making any comments on the merits of the claim and keeping all the legal pleas open.

12. Registry is directed to forward certified copy of this order to both the parties at the earliest.

Dasti.

(Mrs. P. Gopinath)
Member (A)

(A. J. Rohee)
Member (J)

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

***(Mrs P. Gopinath)
Member (Administrative)***

***(Arvind J. Rohee)
Member (Judicial)***

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