

Central Administrative Tribunal
Patna Bench, Patna.
[Circuit Court at Ranchi]

O.A 51/458/2018

Date of Order:- 30.11.2018

C O R A M

Hon'ble Shri J. V. Bhairava, Member [J]
Hon'le Shri B.V. Sudhakar, Member A)

1. Binay Ram aged 36 years s/o Lakhdeo Ram resident of O/o Sri nageshwar Singh Gyatri Niwas, Ward No. 16, Chakhardarpur, P.O.- & P.S.- Chakhardarpur District- Singhbhum (West) and four others.

....Applicant

By Advocate : Shri M.A. Khan

Vs.

1. The Union of India through General Manager, South Eastern Railway, Garden Reach, Kolkata-43 and four others.

..... Respondents.

By Advocate : Shri Prabhat Kumar

O R D E R (ORAL)

Per J.V. Bairavia, M [J] :- Pursuant to an advertisement published by the Railway Recruitment Board (RRB), Bhuneswar, the applicants participated in the selection process in the year 2003 and he was declared successful in written test which was held on 11.02.2004. Subsequently, the applicants were appointed in December 2004.

2. The grievance of the applicants is that they have been appointed under the new Pension Scheme and their GPF contribution are deducted as per new pension scheme. The l/c for applicant submits that the applicants have submitted their representation on 28th July 2017 for

redressal of their grievance. However, the said representation is still pending with the respondents. The I/c for applicant submits that there are so many judgments of CAT from various benches wherein it is stated that if the recruitment process has been initiated before 01.01.2004 and the successful candidates who were appointed/joined after 01.01.2004 are also entitled for the old pension scheme. The I/c for applicant placed reliance on order dated 25.10.2018 passed in OA 813/2018 by this Tribunal bench wherein applicants were given liberty to file a comprehensive representation and the respondents were directed to consider the representation as well as the new representation and dispose them of by passing a reasoned and speaking order. Therefore, the I/c for applicant submits that the applicant will be satisfied if the same liberty is granted to applicant to file a fresh representation and prays for direction to the respondents to dispose of both the representation within stipulated time frame.

The learned counsel for respondents submits that the applicant has mainly placed reliance of order passed by the Ernakulam Bench of this CAT which was taken into consideration by the Hon'ble High Court, New Delhi in WP© 58282016 decided on 01.12.2016 and in para 18 and 19, the Hon'ble High Court has not accepted the order issued by the Ernakulam Bench for the purpose of applicability of old pension scheme. However, the pending representation of the applicants will be considered by the respondents in accordance with the existing rules and the law prevailing in the subject matter.

Considering the above submission and on examination of material on record, it is appropriate to direct the respondents specially respondent no.4 i.e Sr. Divisional Personnel Officer, South Easter Railway, Chakhardarpur, District Singhbhum (West) to decide the pending representation of the applicant by passing a reasoned and speaking order within two months from the date of receipt of copy of this order. Applicants are at liberty to file additional representation alongwith annexure, if so desire. Respondents shall also take into consideration the said representation while disposing of the pending representation.

Accordingly, O.A stands disposed of. No costs.

[B.V. Sudhakar] M [A]

[Jayesh V. Bhairavia] M [J]

/mks/

