

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/020/00992/2018  
Date of Order : 26-04-2019

Between :

P.Subramanyam S/o P.Annadanamaiah,  
Group-C,  
Aged about 59 yrs, working as Tech-II/DSL(E)/  
Gooty, O/o Sr.Divisional Mechanical Engineer,  
South Central Railway, Guntakal Division,  
Gooty, Guntakal, Ananthapur District. ....Applicant

AND

1. Union of India, Rep by The General Manager,  
South Central Railway, Rail Nilayam,  
Secunderabad-500 071.
2. The Chef Personnel Officer,  
South Central Railway, Rail Nilayam,  
Secunderabad-500 071.
3. The Sr. Divisional Personnel Officer,  
South Central Railway, Guntakal Division,  
Guntakal, Ananthapur District. ....Respondents

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Counsel for the Applicant: Mrs.Rachna Kumari  
Counsel for the Respondents : Mr.D.Madhava Reddy, SC for Rlys

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CORAM :

THE HON'BLE MR.V.AJAYKUMAR, JUDICIAL MEMBER  
THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mr.V.AjayKumar, Judicial Member)

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The applicant, Technician-II/DSK(E)/Gooty under the Respondents  
South Central Railway filed this OA seeking the following relief (s) :-

"(a) to direct the Respondents to consider the case of the applicant  
for counting his service rendered by him in the Railway as  
Commissioned Vendor bearer from 05.02.1980 to 07.06.2004 for the

purpose of grating pensionary benefits and to compute the entire service prior to absorption as qualifying service to compute 50% of the service rendered prior to absorption for determination of his pension/family pension and retirement/death benefits to be implemented on the date of his retirement i e 01.05.2019, for the purpose of computing pension and Pensionary benefits and for calculating the family Pension after the ie date of retirement i e 01.05.2019.

(b) and direct the Respondents to grant the benefits of old pension scheme taking 50% of Casual Labourer service and 100% rest of the service for pension benefits as per CCS (Pension) Rules 1972 instead of NPS (New/Contributory Pension Scheme) since the applicant herein have joined services as commissioned vender bearer in Railways on 05.02.1980 and prior to 01.01.2004 as they were entitled to be absorbed on 03.01.1997 before NPS (New Pension Scheme) introduced from 01.01.2004 and any other benefits accrued as applicable to any other central Govt. Employee, and extending the benefits of the decisions of the Hon'ble High Court of AP/High Court of Punjab and Haryana and the Hon'ble Supreme Court of India, with all the consequential benefits; and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. In spite of availing substantial time, the Respondents have not chosen to file any reply in the OA. Mrs. Rachna Kumari, learned counsel for the applicant submits that the applicant would be satisfied if the OA is disposed of with a direction to consider and dispose of the applicant's representation dated 16.10.2017 within a fixed time frame.
3. Mrs.Rachna Kumari, the learned counsel for the applicant further submits that in addition to the judgments mentioned in the said representation, the case of the applicant is supported by certain other decisions also. In these circumstances, this application is disposed of by permitting the applicant to make a fresh representation ventilating his grievances and by enclosing all the judgments he is placing reliance. On receipt of such representation, the Respondents shall pass appropriate

speaking orders within 90 days from the date of receipt of such representation as per law.

4. O.A disposed of accordingly with no order as to costs.

(NAINI JAYASEELAN) (V.AJAYKUMAR)  
ADMINISTRATIVE MEMBER JUDICIAL MEMBER

Dated : 26<sup>th</sup> April, 2019.  
Dictated in Open Court.

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