

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00046/2019

Jodhpur, this the 21st February, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Admn. Member

Hardan Ram S/o Shri Prabhu Ram, aged 66 years, by caste Prajapat R/o Village Gol, Tehsil Balotra, District Barmer (Rajasthan). Retired from the post of Guard under DRM, NW-Railway, Jodhpur.

.....Applicant

By Advocate : Mr Dilip Vyas.

Versus

1. Union of India, through General Manager, N W Railways, Malviya Nagar, Jawahar circle, Jaipur-342001.
2. The Divisional Railway Manager, North West Railway, Jodhpur, Rajasthan.
3. The Senior Personnel Officer, North West Railway, Jodhpur-342001.
4. The Secretary, Railway Board, Rail Bhawan, New Delhi-110001.

.....Respondents

ORDER (Oral)

Per Smt. Hina P. Shah

1. Heard learned counsel for the applicant.
2. The limited issue involved in the present OA is that whether applicant herein after completion of one full year service on 30.06.2010 is entitled for one notional increment.

3. During course of admission-hearing, Mr Dilip Vyas, learned counsel for the applicant submits that in light of judgment of Hon'ble Madras High Court passed in P. Ayyamperumal Vs The Registrar, CAT & Ors passed in W.P. No. 15732/2017 dated 15.09.2017, applicant is entitled for one notional increment for the purpose of pensionary benefits which would have been due to him w.e.f. 01.07.2010 had he not been retired w.e.f. 30.06.2010 after attaining the age of superannuation. The contention of the learned counsel for the applicant is that the applicant is similarly situated person and the same benefits should be given to him.

4. On a pointed query from this Tribunal whether applicant submitted any representation to the respondents in this regard, learned counsel for the applicant submits that applicant has submitted representation dated 04.01.2019 (Annex. A/6) to respondent No. 2, which is pending consideration. He, however, submits that applicant would be satisfied if a time bound direction is given to the respondents who are highly placed for taking such policy decision, to decide his representation taking into account contentions made in the OA.

5. Looking to the facts and circumstances of filing the present OA and submissions made by counsel for the applicant, in our considered view, it would be appropriate to direct the respondents to decide the representation of the applicant in a time bound manner in consultation with higher authorities.

6. Accordingly, OA is disposed of with the direction to respondent No. 1 to decide representation dated 04.01.2019 (Annex. A/6) filed by the applicant, while treating the OA as an additional representation, in consultation with higher/competent authority as policy issue is involved in the present OA. The respondent No. 1 shall decide the representation by a speaking order within 03 months period from the date of receipt of a copy of this order, on merits. Thereafter, if any grievance remains, the applicant may approach appropriate forum, if so advised. Further, it is made clear that issue of period of limitation is kept open for consideration by appropriate forum.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-