

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A. No.350/00 268 of 2019

LAKSHMI SHAW, son of Late Mouzi

Shaw, aged about 76 years, worked as a Mate, Rajdhani Express, Reck-1 under Eastern Railway, residing at Village & P.O. Khograha, District Saharsa, Bihar-852221.

... APPLICANT

V E R S U S

1. **UNION OF INDIA**, service through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata-700 001.

2. **PRINCIPAL CHIEF PERSONNEL OFFICER**, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata-700 001.

3. **CHIEF COMMERCIAL MANAGER (CATERING)**, Eastern Railway, 5, Koilaghat Street, Kolkata-700001.

4. **PRINCIPAL FINANCIAL ADVISER**, Eastern Railway, Fairlie Place, 17, N.S. Road, Kolkata-700001.

... RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/268/2019

Date of Order: 05.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Lakshmi Shaw -vs- Eastern Railway

For the Applicant(s): Mr. B. Chatterjee, Counsel

For the Respondent(s): Mr. A. K Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

1. Heard Mr. B.Chatterjee, Ld. Counsel for the applicant, and Mr. A.K.Banerjee, Ld. Counsel appearing for Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) An order directing the respondents to grant Pension and other post retirement benefits to the applicant as were granted in the manner granted to the applicant in O.A No. 545 of 1999 (Narayan Ram & Others vs. Union of India & Others);
b) An order directing the respondents authority to calculate the past service for granting pension and other post retirement benefits which was rendered by the applicant;
c) An order directing the official respondents to produce /cause production of all records relating to the subject matter of the case;
d) An order directing the respondents to grant 12% interest on arrear pension and other retirement benefits;
e) Costs of this application to be paid by the Respondents;
f) Pass such further or other orders as to the Learned Tribunal may deem fit and proper.”

3. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant was initially appointed as Commission Vendor in the Catering Department under Eastern Railway in the year 1964. On 13.12.1976, Railway Board issued a Circular deciding that the Commission Bearers/Vendors would be

Abd

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absorbed progressively in the Railway Service. In the year 1990, Eastern Railway issued a Provisional Seniority List of Commissions Vendors/Bearers of Catering Department for Screening and the applicant was ~~screened and declared eligible~~. Subsequently, on 14.01.1994, appointment order was issued to the applicant and, thereafter, the applicant retired from Railway Service on 20.07.2003. The applicant has filed this O.A claiming benefits in terms of the order passed by Hon'ble Supreme Court and Hon'ble High Court Kolkata and also the order passed by CAT Kolkata Bench. He has also made representation to the authorities claiming benefits in terms of the order dated 18.11.2005 and 16.01.2008 passed in WPCT No. 471/2006.

4. At the outset, Ld. Counsel for the applicant fairly submitted that although the applicant ventilating his grievance has preferred a representation dated 14.08.2012 (Annexure-A/6) before the authorities but till date neither any reply has been communicated to him nor his pensionary benefits have been released. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No. 3 taking into account the orders passed by this Hon'ble Tribunal in O.A.Nos. 587/2016 and 619/2016 under Annexure-A/7 within a specific time frame.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation of the applicant under Annexure-A/6, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering Annexure-A/6 representation, Respondent No. 3 will also keep in mind Annexure-A/7, the orders passed by this Hon'ble Tribunal in O.A.Nos. 587/2016 and 619/2016. It is further made clear that



if after such consideration the applicant is found to be otherwise entitled then expeditious steps be taken within a further period of six weeks to release the pensionary benefits of the applicant. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.
8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS