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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

O.A. No. 350/00022 of 2019

✓ KISHORE BHAGAT BHAGAT,
Son of B. N. Bhagat
Retired as Senior Section Engineer
(Construction), South Eastern
Railway under Chief Administrative
Officer(Construction), Garden Reach,
Kolkata-700 043, residing at: 49,
Middle Road, Entally, Kolkata -
700 014.

..... Applicant,

- Versus -

1. Union of India, through t
1. The General Manager,
South Eastern Railway, 11, Garden Reach,
Kolkata-700 043.
2. The Chief Personnel Officer,
South Eastern Railway, 11, Garden Reach,
Kolkata - 700 043.
3. The Chief Administrative Officer
(Construction), 11, Garden Reach,
Kolkata - 700 043.
4. The Chief Personnel Officer,
Metro Rail Bhawan, 33/1, U.L. Nehru Road,
Kolkata - 700 071.

..... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O.A/350/22/2019

Date of Order: 23.01.2019

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

Kishore Bhagwan Bhagat -VS- S.Eastern Railway

For the Applicant(s): Mr. N. Roy, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. N. Roy, Ld. Counsel appearing on behalf of the applicant. Mr. AK Banerjee, Ld. Counsel, who usually appears for the South Eastern Railway is present and on my request, Mr. N Roy, Ld. Counsel for the applicant has served a copy of the O.A along with annexure on him. Heard Mr. A. K Banerjee in extenso.

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

- a) To issue direction upon the respondents to consider representation for the purpose of pension/pensionary benefit to the applicant forthwith
- b) To issue further direction upon the respondents to pass an order to the effect that the applicant will be entitled to count full service for the period of temporary status till regularization for the purpose of pension/pensionary benefit.
- c) To issue further direction upon the respondents to count full service benefit rendered by the applicant after attaining of temporary status followed by absorption for the purpose of grant on pension and other pensionary benefit.
- d) To issue further direction upon the respondents to extend benefits of the judgment of Hon'ble CAT in O.A No. 382 of 2014 and O.A No. 2070 of 2015, may be extended to the applicant forthwith.
- e) Any other order or further order or orders as deem fit and proper under the circumstances of the case.
- f) To produce Connected Departmental Record at the time of hearing of the O.A"

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3. The brief facts of the case as narrated by the Ld. Counsel for the applicant is that the applicant is aggrieved as his prayer for counting temporary status service for pension/pensionary benefit has not been considered by the authorities. Ld. Counsel for the applicant submitted that similar circumstanced person had filed a case before this Tribunal being O.A no: 382/2014, which was disposed of with certain direction to the respondent authority, and since the applicant's case is also similar to that of the applicant in the said OA, ventilating his grievance he made a representation to the authorities seeking benefits, but till date no decision has been taken by the authorities. Ld. Counsel for the applicant further submits that the applicant may be satisfied if a direction is issued to the Respondent 3 to consider the representation dated 10.11.2016 under Annexure A/10 keeping in mind Annexure A/17 & A/18, (the orders passed by the Tribunal as well as Hon'ble High Court) within a specific time frame.

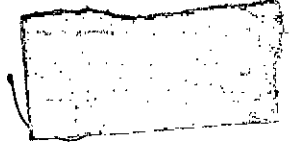
4. Having heard the Ld. Counsel for the applicant as well as Ld. Counsel for the Respondents, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation of the applicant under Annexure A/10 keeping in mind Annexure A/17 & A/18, if the same has been filed and is pending before for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that after such consideration if the applicant is found to be entitled to get the pensionary benefit then expeditious steps be taken within a further period of six weeks to extend those benefits. 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 forthwith.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, 3 & 4 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.



(A.K Patnaik)
Member (J)

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