

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00454/2019
M.A. 350/00254/2019

Date of order: 10.4.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Bejoy Ojha,
S/o Ram Suresh Ojha,
Aged about 42 years,
Working for gain as Assistant Loco Pilot
Under the overall control of
Divisional Railway Manager
Eastern Railway,
Sealdah,
At present residing at
7D, Bijoynagar,
P.O - Naihati,
Pin - 743 165
West Bengal.
2. Tapas Das,
S/o Niranjan Das,
Aged about 47 years,
Working for gain as Sr. Assistant Loco Pilot,
Under the overall control of Divisional Railway Manager,
Eastern Railway,
Sealdah,
At present residing at
148, S.N. Roy Road,
Behala,
Kolkata - 700 038.
3. Sudip Kumar Bhattacharyya,
S/o Pulak Chandra Bhattacharyya,
Aged about 43 years,
Working for gain as Assistant Loco Pilot
Under the overall control of
Divisional Railway Manager,
Eastern Railway,
Sealdah,
At present residing at
62, Bindubasi Road,
P.O. Bhatpara,
Dist. North 24 Parganas,
P.S. Jagaddal,
Pin - 743 123,
West Bengal.

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4. Subhasis Tunga,
S/o. Late Prasanta Kumar Tunga,
Aged about 45 years,
Working for gain as
Assistant Loco Pilot
Under the overall control of
Divisional Railway Manager,
Eastern Railway,
Sealdah,
At present residing at 8/1,
Purba Ananda Pally,
Near Tentultalar More,
Post Purba Putiari,
Kolkata – 700 093

.. Applicants

- V E R S U S -

1. Union of India through the General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
2. Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
3. Divisional Railway Manager,
Eastern Railway,
Sealdah – 700 014.
4. Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah – 700 014.
5. Sr. Divisional Mechanical Engineer,
Eastern Railway,
Sealdah – 700 014.

6. Chairman,
Railway Recruitment Board,
Guwahati,
Station Road,
Guwahati – 781 001.

.. Respondents

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For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- "(a) To direct the respondents to treat the date of accrual of vacancies to the post of Apprentice Diesel Assistant Driver as notified vide Employment Notice No. 01/2001 by RRB Guwahati as the date of appointment/posting for the limited purpose for grant of Pension under the Railway Service (Pension) Rules, 1993 with all consequential benefits.
- (b) To direct the respondents to grant the applicants benefit of judicial pronouncements as highlighted in Paragraph 4.6 of the instant original application and to bring the applicants under the purview of Railway Service (Pension) Rules, 1993 for grant of Pension with all consequential benefits.
- (c) Liberty be granted under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 to file and maintain the Original Application jointly.
- (d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. An M.A. bearing No. 350/00254/2019 arising out of O.A. No. 350/00454/2019 has been filed praying for joint prosecution of the said O.A. under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

On being satisfied on the commonality of interest and cause of action, the M.A. is allowed and is disposed of accordingly.

3. Heard Id. Counsel for both sides, examined documents on record. The matter is taken up at the admission stage.

4. The applicants' submissions, as articulated through their Ld. Counsel is that, the applicants had prayed for switching over to the Old Pension Scheme in terms of Railway Service Pension Rules, 1993 given that the vacancies against which they were appointed had occurred prior to the cut off date that is, 1.1.2004 and, that, although they had represented citing the judicial pronouncement of the Ernakulam Bench of the Tribunal in O.A. No. 180/00020/2015 in their support, such representations still remain pending at the level of the respondents and that

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the applicants would be fairly satisfied if the respondents are directed to dispose of the said representations in a time bound manner.

5. Ld. Counsel for the respondents does not object to the prayer in case such directions are issued to consider the representations in accordance with law.

6. Accordingly, without entering into the merits of the matter and, with the consent of the parties, we direct the respondent No. 4, who is the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah to examine the contents of representations dated 22.9.2017, 26.9.2017, 6.11.2017 and 15.11.2018 respectively (Annexure A-4 to the O.A. colly.), if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The respondent authority should decide in accordance with law and convey his decision in the form of a reasoned and speaking order to the applicants forthwith.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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