

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00492/2019

Date of order: 10.4.2019

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

Dinesh Gond,
S/o. Late Ramsinghasan Gond,
Aged about 40 years,
Working for gain as Loco Pilot (Goods),
Under the overall control of Divisional Railway Manager,
Eastern Railway,
Sealdah,
At present residing at
197/9, K.D. Road,
Post - Garifai,
Dist. - 24 Pgst (N) - 743 166

Applicant

REVERSED

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,
Kolkata - 700 014.

4. Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah,
Kolkata - 700 014.

5. Sr. Divisional Mechanical Engineer,
Eastern Railway,
Sealdah,
Kolkata - 700 014.

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6. Divisional Railway Manager,
Eastern Railway,
Howrah.

7. Chairman,
Railway Recruitment Cell,
Eastern Railway,
56, C.R. Avenue,
RITES Building,
1st Floor,
Kolkata – 700 012.

.. Respondents

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

ORDER (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 Group D Khalasi as notified vide Employment Notice No. ER/1/2001/SPL-DRIVE in the Howrah Division of Eastern Railway as published in the year 2001 and closing date of the said Notification being 27.4.2001 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 4.5 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) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

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

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

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

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

5. 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 30.4.2018 and 10.9.2018 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 applicant forthwith.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

Parvati Datta