

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 103 of 2019

This the 22nd day of February, 2019

Hon'ble Ms. Jasmine Ahmed, Member-J

1. Yogendra Kumar Yadav aged about 40 years, son of Sri Ram Nath Yadav, resident of Plot No. 15-A, Kailash Vihar Colony, Gindan Khera, Lucknow.
2. Shashi Bhushan Ojha aged about 43 years, son of Sri V.P. Ojha, resident of 1/915, Ratan Khand, Raebareli Road, Lucknow.
3. Sunil Kumar Dubey aged about 45 years, son of Sri S.D. Dubey, resident of 29/Awadhpuri - 2, Near Sri Ram Marriage Hall, Khargapur, Gomti Nagar Extension, Lucknow.
4. Arjun Prasad aged about 40 years, son of Sri Sabhajeet, resident of Plot No.15A, Kailash Vihar Colony, Gindankhera, Sarojni Nagar, Lucknow.
5. Gyan Swaroop aged about 38 years, son of Sri Mewa Lal, resident of H.No. 169-A, New Ashutosh Nagar, Lucknow.
6. Anup Kumar Sharma aged about 41 years, son of Sri S.P.D. Prasad Sharma, resident of H.No. 549/295/21, Shanti Nagar, Lucknow.
7. Ravi Kant Verma aged about 41 years, son of Sri L.B. Verma, resident of 225 E/1, Sect. G, LDA Colony Kanpur Road, Lucknow.
8. Shyam Viharee Kuril aged about 41 years, son of Sri Paras Nath, resident of H.No. 82, Shahpur, Panki, Kanpur.
9. Ramji Chaurasiya aged about 36 years, son of Sri Shiv Kumar Chaurasiya, resident of Village & Post - Sikhar, Distt Mirzapur (U.P.)
10. Kapil Dev Patel aged about 43 years, son of Sri Kishori Lal Patel, resident of 551-Ka/643, Acharvali Gali, Mata Vaishno Devi Mandir, Lucknow.
11. Sanjay Singh aged about 39 years, son of Sri Chhote Lal Singh, resident of Village Pipra, Post Gayghap Ghat, District Basti.
12. Anil Kumar aged about 44 years, son of Sri Jai Dev Singh, resident of 82, Jagannath Gali, Unnao (U.P.)
13. Akhileshwar Srivastava aged about 40 years, son of Sri S.K. Srivastava, resident of C- 384/1 Indra Nagar Awas Vikas Colony Raebareli.

14. Manendu Rai Srivastava aged about 39 years, son of Sri P.R. Srivastava, resident of H.No. 361, Feroz Gandhi Nagar Raebareli.
15. Dinesh Kumar Gupta aged about 40 years, son of Sri Mishri Lal Gupta R/o 1105 Golaghat Near Apsara Studio, Sultanpur.
16. Sanjay Ram aged about 36 years, son of Sri Banshu Ram, resident of Village Pijra Chawra, P.O. Bagli Pijra, District Mau (U.P.)
17. Prabhakar Kumar aged about 42 years, son of late Ayodhya Singh, resident of Village Bhitari, Loco Pilot Colony, Near Ritu Hospital, P.O. Lohta, District Varanasi.
18. Subodh Kumar aged about 40 years, son of Sri Narmdeshwar Prasad Singh, resident of Paramhansh Nagar Colony, Village Bhitari, P.O. Lohta, District Varanasi.
19. Rajeev Ranjan aged about 41 years, son of Sri Deena Nath, resident of C/o. Nathuni Saw Shanti Kunj, Chhoti Khagaul, P.O. Khagaul, District Patna (Bihar)
20. Nitya Nand Pradhan aged about 40 years, son of Sri Arvind Pradhan, resident of Village Bhitari, Behind Primary School, P.O. Lohta, District Varanasi (U.P.)
21. Dhiraj Kumar aged about 35 years, son of Sri Shiv Bahadur Verma, resident of Village Kalapur, P.O. Sarasat, P.S. Naubatpur, District Patna (Bihar)
22. Ashok Kumar Singh aged about 38 years, son of Sri Mukh Ram Singh, resident of Village Niranjan Bigha, P.O. Manikpur, P.S. Dehrionson, District Rohtas (Bihar)
23. Umesh Prasad aged about 38 years, son of late Vivekanand Prasad, resident of Village Bhitari, Behind Primary School, P.O. Lohta, District Varanasi (U.P.)
24. Arvind Kumar aged about 40 years, son of Sri Kapil Deo, resident of Village Patpara, P.O. Kurhana, District Chandauli.
25. Jagdish Kumar aged about 42 years, son of Sri Sukhlal, resident of Rana Nagar Colony, Gate No. 04, Behind Scion Public School Lahartara Varanasi.
26. Ravi Shanker Kumar aged about 37 years, son of Sri Chandra Shekhar Prasad, resident of Linepar Mirzapur Bighapur, P.O.-P.S. & District Nawada (Bihar)
27. Rakesh Kumar Suman aged about 38 years, son of Sri Rajendra Prasad, resident of Village Barhanpura, P.O. Asarhi, P.S. Hilsa, District Nalanda.
28. Vinay Kumar aged about 37 years, son of Sri Kamta Prasad, resident of Village & P.O. Gopalbad, P.S. Sarmera, District Nalanda.

29. Avinash Kumar aged about 40 years, son of Sri Ram Chandra Pandit, resident of Village Pamra, P.O. Kesopur, District Nalanda.
30. Ajay Kumar Bharti aged about 40 years, son of Sri Sajeevan Ram, resident of Village Kasera Pokhara, P.O. Zamania, District Ghazipur.
31. Vijay Kumar Gupta aged about 44 years, son of Sri Ramji Prasad, resident of House No. GPL-2, F/18, Gangapuri Colony, Gate No. 5, Kotawa Marg, Phulwariya, Varanasi.
32. Rayazul Haque aged about 38 years, son of Md. Rashid, resident of Attab Narar Colony, Dhamaria Kerakalpar, Lohata, Varanasi.
33. Pradeep Kumar Rajak aged about 40 years, son of Sri Ram Janam Rajak, resident of Village Sirsa, P.O. Sewtar, P.S. Atri, District Gaya (Bihar)
34. Ashish Kumar aged about 39 years, son of Sri Uday Kumar, resident of Village Kakaria, P.O. Musepur, P.S. Noor Sarai, District Nalanda (Bihar)
35. Seraj Ahmad aged about 36 Years, Son of Sri Janab Taslim Ansari resident of C/o Aud Ansari New AG Colony, QN TB/TSOB, Post – Doranda, Ranchi Jharkhand.
36. Arun Kumar aged about 38 years, son of late Ram Lal, resident of Village Chauki, P.O. Bardah, District Azamgarh.
37. Ajay Kumar aged about 41 years, son of Sri Sunil Kumar, resident of Naya Tola, Keshopur, P.O. Jamalpur, District Munger (Bihar)
38. Bijay Verma aged about 40 years, son of Sri Shiv Shanker, resident of Shiv Bihar Colony, Bhola Bast, H.No. SA-6/149-D-33 Akatha, Pahariya, P.O. Sarnath, Varanasi.
39. Santosh Kumar Singh aged about 39 years, son of Shiv Narayan Singh, resident of Village Ratanpur, P.O. Katesar, District Chandauli, Near Primary School.
40. Manish Kumar Rai aged about 38 years, son of Sri Kailash Chandra, resident of N-11/112, J-1, Ranipur, Mahmoorganj, Varanasi.
41. Sunil Kumar aged about 38 years, son of Sri S.P. Singh, resident of Village Bhitari, P.O. Lohta, District Varanasi.
42. Narendra Singh aged about 43 years, son of Sri Subash Singh, resident of H.No. 581, Kailashpuri, Mughal Sarai, District Chandauli.
43. Chhotey Lal Ram aged about 43 years, son of Sri Dharmdev Ram, resident of H.No. 2/708 Sect. - L, LDA Colony Kanpur, Lucknow.
44. Rakesh Kumar Gaur aged about 39 years, son of Sri Brij Lal Gaur, resident of H.No. 1/747, Varan Khand, Gomti Nagar, Lucknow.

45. Vivek Priya Tripathi aged about 45 years, son of Sri Dinesh Chandra Tripathi, resident of B-4/1610, Sector-O, Mansarovar Yojna, Kanpur Road.
46. Ravindra Kumar aged about 40 years, son of late Ram Nath, resident of 47/A, Railway Tank Colony, Raebareli.
47. Narendra Pratap aged about 40 years, son of Sri Nathu Ram, resident of C/o K.K. Misra , 554/53/ Ka, Arjun Nagar, Near Aryasamaj Mandir, Alambagh, Lucknow.
48. Ajay Kumar Singh aged about 36 years, son of Sri Bijendra Singh, resident of 599/317/13, Pink City, Mohan Road, Lucknow.

..... Applicants.

By Advocate: Sri Alok Tripathi

VERSUS

1. Union of India Through General Manager, Northern Railway Board House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Senior Divisional Personal Officer, Northern Railway, Hazratganj, Lucknow.

..... Respondents.

By Advocate : Ms. Prayagmati Gupta

O R D E R (Oral)

The applicants have filed this O.A. seeking the following main relief(s):-

- “(i) to issue an appropriate order or direction directing the respondents to take the service of the applicants into Old Pension Scheme and not to make deduction from the salary of the applicants under the New Pension Scheme.
- (ii) to issue an appropriate order or direction directing the respondents to provide the applicants all consequential service benefits including pension gratuity and GPF etc. in accordance with Old Pension Rules.
- (iii) To issue an appropriate order or direction directing the respondents to release the amount which has been deducted by them from the salary of the applicants under New Pension Scheme till date.

2. The case of the applicants is that they applied for appointment on the post of Diesel/Electric Assistant Driver through Railway Recruitment Board, Chandigarh wherein they appeared in the preliminary examination held on 25.5.2003. Thereafter, the main examination was conducted on 1.2.2004 and the result thereof was declared on 6.5.2004. Thereafter, psychological test was conducted between the period from 10.6.2004 to 23.6.2004 and result thereof was declared on 12.7.2004. All the applicants were appointed on the post of Diesel/Electric Assistant Driver and subsequently they were promoted on the post of Loco Pilot (Goods)/Passenger. The applicants claim that they be treated under Old Pension Scheme instead of New Pension Scheme as their selection is prior to 2004. Being aggrieved, the applicants preferred a representation to the respondent no.2 on 7.5.2018 followed by reminder dated 30.8.2018, but the respondent no.2 did not pay any heed. At this stage, learned counsel for the applicant states that a direction may be issued to the respondent no.2 to consider and decide his pending representation in accordance with law in a time bound manner.

3. Without going into the merits of the case, this O.A. stands disposed of finally at admission stage itself with a direction to the respondent no.2 to consider and decide the representation of the applicant dated 7.5.2018 followed by reminder dated 30.8.2018 within a period of three months from the date of receipt of certified copy of this order in accordance with law by passing a reasoned and speaking order under intimation to the applicant. There shall be no order as to costs.

(Ms. Jasmine Ahmed)
Member-J

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