

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00163/2019 in & OA/310/00342/2019

Dated Monday the 18th day of March Two Thousand Nineteen

CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)

1. Akhil Bharatiya Adiwasi Vikas Parishad,
Tamilnadu Branch,
rep by its State President C. Sanjeevi,
Having office at No. 213, R.K.Mutt Road,
Mylapore, Chennai 600004.

2. C. Soloman Savathiah,
S/o. S.E. Chelladurai,
No. 36 D, 2nd Street,
EB Nagar South,
Poundra Main Road,
Erode 638002.Applicants/Applicants

By Advocate M/s. V. Vijay Shankar

Vs

1. The Union of India,
rep by its Chairman,
Railway Board, New Delhi.

2. The General Manager,
Southern Railway, Chennai.

3. The Chief Personnel Officer,
Head Quarters Office,
Park Town, Chennai.Respondents/Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER**(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))**

Heard. MA filed by the applicants for joining together is allowed.

2. The applicants have filed this OA seeking the following relief :

"To direct the 2nd respondent to review its Circular No. 100/2016 dated 02.08.2016 in the light of the clarification issued on 23.08.2018 by the Railway Board viz., the 1st respondent herein in tune with the clarification issued by the Railway Board on 04.02.2016 by considering and acting upon the representations dated 24.09.2018, 15.11.2018 made by the applicants and pass such other order or orders as may be deemed fit and thus render justice."

3. Learned counsel for the applicants submits that even though representations dt. 24.09.2018 & 15.11.2018 are made to 2nd respondent, no action is being taken on the representations. He relies on the Railway Board Circular No. 2013-E(SCT)I/31/6 dt. 23.08.2018, the relevant portion of which is reproduced below:

"3. Railway Services (Pension) Rules, 1993 do not provide for taking any undertaking or bond for conducting or continuing any investigation for the purpose of settlement of Pensionary benefits. Thus, para 'C' of Southern Railway's above instruction is not in line with Railway Services (Pension) Rules, 1993.

4. Hence, the above instructions issued by Southern Railway vide para (C) of their circular No. P(S)171/P.Com.Ver/2013/Vol.1 dated 02.08.2016 (PBC No. 100/2016) may be reviewed to be in accordance with the Railway Services (Pension) Rules, 1993."

4. In view of the Railway Board Circular, the circular relating to release the indemnity bond issued by R2 cannot stand.

5. The learned counsel for the applicant submitted that he will be satisfied if the 2nd respondent takes appropriate action on the representations on the basis of the latest direction of the Railway Board dt. 23.08.2018.

6. Mr. P. Srinivasan takes notice for the respondents.

7. In view of the limited relief sought, the 2nd respondent is directed to consider the representations dt. 24.09.2018 & 15.11.2018 (Annexure A10 & A11) in accordance with law and pass a reasoned and speaking order at an early date.

8. OA is disposed of at the admission stage without going into the merits of the case.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

18.03.2019

SKSI