

**Central Administrative Tribunal
Principal Bench**

**OA No. 2841/2017
MA No. 2983/2017**

New Delhi this the 14th day of May, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Bhgwana, aged 61 years,
S/o Sh. Paltoo,
Retired as Gateman while working under
SS(P.Way), Gurgaon,
r/o Village Jundsarain, Post Patodi,
Distt. Gurgaon (Har.) - Applicant

(By Advocate: Mr. BS Jarial)

VERSUS

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi
3. The Assistant Divisional Engineer (ADEN)
Northern Railway, Delhi Sarai Rohilla,
Delhi - Respondents

(By Advocate: Mr. Shashwat Sharma)

ORDER (Oral)

The present OA has been filed by the applicant, seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to count entire service i.e. w.e.f. 28.5.1981 till 24.4.2013 and half casual service w.e.f. June, 1978 till 27.5.1981 as a qualifying service for granting retirement benefits and consequently grant the same to the applicant with all the consequential benefits with difference of amount with interest.
- (ii) That the Hon’ble Tribunal may graciously be pleased to pass an order of counting 50% casual service and entire service from the date of appointment i.e. w.e.f. 28.5.1981 as a qualifying service for granting the benefits of MACP Scheme and consequently, pass an order directing the department to grant 3rd financial upgradation to the applicant under MACP Scheme in Grade Pay of Rs.2400/- from due date with all the consequential benefits including the re-fixation of pay, re-fixation of retirement benefits, arrears of difference of pay and allowance with interest.
- (iii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

2. Both the parties are present and heard.

3. When the matter is taken up for hearing, learned counsel for the applicant draws our attention to Annexure A/2 which is a letter issued by the DRM (P) to ADEN, NR/DEE on 21.07.2017 in which a clear-cut direction has been issued to ADEN to examine the case of

the applicant in detail and accordingly reply to the legal notice served through the Advocate of the applicant directly and give a copy of the same to the DRM (P), New Delhi. A copy of the information has also been served by the DRM(P) to learned counsel for the applicant but quite clearly, nothing has happened since then and the applicant's claim is surprisingly being contested by the respondents who in their CA, are saying that they have not received a copy of the Legal Notice. It is the duty of the employer to correctly dispose of the claim of the applicant as per the relevant IREM Rules.

4. In view of the fact that a detailed representation was received from the applicant but no reply has been given as yet, we direct the respondents to treat this OA also in addition to the detailed representation submitted by the applicant and to pass a speaking order thereon within 90 days of receipt of the same. In case any dues of the applicant have not been paid from the period due, he shall be entitled to interest at the rate of GPF for the delayed period of payment. We also make it clear that all payments of the applicant, if any due, will be paid within a period of 30 days

subsequent to passing of the detailed speaking order by the respondents.

5. With the above directions, the OA is disposed of. Pending MA No. 2983/2017 for exemption from filing the typed copy of service book is also dismissed. No costs.

(Nita Chowdhury)
Member (A)

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