

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 2884/2019

This the 26th day of September, 2019

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Chander Pal Singh, Age 65, Group 'C'
S/o. Late Babu Singh,
R/o. Gali No. 6, New Vikas Nagar,
Behind Loni Railway Station,
Near Church, Loni,
District Ghaziabad (U.P)

....Applicant

(By Advocate : Mr. R. K. Shukla)

Versus

1. Union of India
Through the General Manager
Northern Railway
Baroda House, New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Delhi Division,
State Entry Road,
Paharganj, New Delhi.
3. The Senior Divl. Personnel Manager,
Northern Railway,
Delhi Division, State Entry Road,
Paharganj, New Delhi.
4. The Asstt. Divl, Engineer,
Northern Railway,
Ghaziabad, U.P.Respondents

(By Advocate : Ms. Esha Mazumdar)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member (J) :

Heard learned counsel for applicant. Mr. R. K.

Shukla, learned counsel for applicant states that the applicant was appointed as a casual Gangman with effect from 27.07.1977 and attained temporary status with effect from 27.11.1977 and was regularised with effect from 07.09.1984. Subsequently, the applicant retired on attaining the age of superannuation from the post of Gangman with effect from 31.03.2013. The applicant has filed the present O.A seeking the following reliefs :-

- “(a) Call for the relevant record related to service tenure of the applicant including the service book and casual labour as well; and
- (b) To direct the respondents to count the 50% services rendered by the applicant as casual labour after attaining temporary status from 27.11.1977 to 08.07.1984 and thereafter counter the services in a total service from 09.07.1984 to 31.03.2013.;
- (c) To direct the respondents to grant financial upgradation when he completes 30 years continuous service and pay the arrears of service and pay the arrears of service and recalculate the pension and pensionary benefits coupled with counting of casual period which are co-related with the MACP.
- (d) Allow the O.A with all consequential benefits.
- (e) Any other relief which this Hon’ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant.”

2. Learned counsel for applicant submits that the claim of the applicant is covered by the judgment of Hon’ble Apex Court in **UOI and Anr. Vs. Rakesh Kumar**, 2017 (13) SCC 388 and accordingly, he has filed a representation dated 27.10.2018 (Annexure A/1) for redressal of his grievances to the respondent no. 2 which is still pending consideration by the said respondent.

3. Issue notice to the respondents.
4. Mr. Krishna Kant Sharma, learned standing counsel for respondents accepts notice for respondents.
5. At this stage, Mr. R. K. Shukla submits that the applicant shall be satisfied if the O.A is disposed of at this very stage with a direction to respondent no. 2 to consider the aforesaid representation of the applicant and to pass a detailed and speaking order in a time bound manner.
6. We are of the considered view that if such a request of the applicant is acceded to, no prejudice is likely to be caused to the respondents.
7. In view of the above, without going into the merits of the claim of the applicant, the O.A is disposed of with a direction to the respondent no. 2 i.e., The Divl. Railway Manager, Northern Railway, New Delhi to consider the aforesaid representation of the applicant and dispose of the same by passing a reasoned and speaking order, as per rules and law, within three months from the date of receipt of a certified copy of this order. No costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

/Mbt/