

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.747/2019

Dated Tuesday, the 18th day of June, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

R.Thangavelu,

H/o Late.G.Chellam Retd CHOS,

Mechanical Branch, MDU Division,

Southern Railway, 59, LBS Nagar, 1st Street,

Near Goodshed, Perali Road,

Virudhunagar 626 001.

... Applicant

By Advocate M/s S.Sundar

Vs.

1.Union of India, Rep., by the

General Manager, Southern Railway,

Park Town, Chennai 600 003.

2.The Senior Divisional Personal officer,

Divisional Office, Southern Railway,

Madurai 625 016.

3.The Senior Divisional Finance Manager,

Divisional Office, Southern Railways,

Madurai 625 016.

... Respondents

By Advocate Mr.P.Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“1.Call for the entire records pertaining to the impugned order No.U/P500/XII/G.C dated 24.03.2017 passed by the 2nd respondent and set aside the same;

2.Consequential direction to the 2nd and 3rd respondents to disburse the full pension, DCRG, leave salary, social security scheme balance and all other admissible terminal benefits due to the applicant with interest.

3.And pass such further or other orders as this Hon'ble court may deem fit and proper in the circumstances of this case and render justice.”

2. The applicant wishes to challenge Annexure A-18 communication dated 24.03.2017 by which his wife was informed that in view of the pendency of community certificate verification before the State Level Scrutiny Committee, his wife was being paid provisional pension not exceeding the maximum of pension under Rule 10 of Railway Services Pension Rules, 1993. His wife has since expired on 31.03.2018 and accordingly the applicant is being paid provisional family pension.

3. It is submitted that the applicant's wife belonged to ST community and she was appointed to service in acceptance of Annexure A-5 community certificate issued by Independent Deputy Tahsildar, Virudhunagar on 11.06.1975 and Annexure A-6 community certificate by Deputy Tahsildar, Virudhunagar dated 05.12.1977. Accordingly, there

should be no necessity for any community certificate verification by the State Level Scrutiny Committee.

4. Learned counsel for the applicant would submit that the applicant made Annexure A-26 representation dated 09.04.2018 regarding his grievance followed by a reminder dated 02.05.2018 to the first respondent and 08.05.2018 to the Divisional Railway Manager, Southern Railway, Madurai. The applicant had been making further representations since, the last of which is dated 10.08.2018 wherein he had claimed that the respondents were bound to release the retirement benefits against submission of indemnity bond in such cases.

5. It is further submitted that since the applicant had not been favoured with a reply to any of his representations which had been made under the provisions of the relevant Railway Board Circulars/orders, the applicant would be satisfied if the respondent authority is directed to consider the issues raised by the applicant in his representations dated 09.04.2018, 02.05.2018, 08.05.2018, 14.06.2018 & 10.08.2018 and pass a reasoned and speaking order within the time limit to be set by this Tribunal.

6. Mr.P.Srinivasan, senior standing counsel for Railways takes notice on behalf of the respondents.

7. Keeping in view the limited relief urged and without going into the substantive merits of the case, I deem it appropriate to direct the respondents to consider the representations of the applicant dated

09.04.2018, 02.05.2018, 08.05.2018, 14.06.2018 & 10.08.2018 in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

8. OA is disposed of as above. No costs.

(R.RAMANUJAM)
MEMBER (A)
18.06.2019

M.T.