

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

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O.A/350/814/2019

Date of Order: 16.07. 2019

Coram : Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sunil Dey, aged about 69 years, son of Late Jatan Dey @ De, working for gain as Ex-Bearer, Gr. "D" under Commerical Department, S.E. Railway, Kharagpur, District: Paschim Medinipur, residing at Village - Manusmuria, Post Office - Manusmuria, District - Singhbhum (East), Pin - 832301, in the state of Jharkhand.

---Applicant

-Versus-

1. Union of India service through,
The General Manager, S.E. Railway,
Garden Reach, Kolkata 700043.

2. The General Manager,
South Eastern Railway,
Garden Reach, Kolkata 700043.

3. The Divisional Railway Manager,
S.E. Railway, Kharagpur,
District- Paschim Medinipur,
Pin - 721301.

4. The Sr. Divisional Personal Officer,
S.E. Railway, Kharagpur,
District - Paschim Medinipur,
Pin 721301.

----Respondents

For the Applicant(s) : Mr. G. Das, counsel
: Mr. T. K. Biswas, counsel
For the Respondent(s) : Ms. Gargi Roy, counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the AT Act, 1985, seeking the following relief:

"A) The respondents be directed to disburse the pension and other retirement benefits of the applicant at par with that of other regular/permanent employees of the Railway and to pay and/or extend to the applicant all arrear pension as on 31/10/2010 under Ex-"Bearer", Gr.-"D" under Commercial Department, S.E. Railway, Kharagpur, emoluments and/or benefits with immediate effect;

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B) The respondents be further directed to extend to the applicant the pensionary benefits as mentioned in the said Letters of the Railway Board dated 18.05.1990 and 19.11.1990 as in Annexures A-1 and A-2 hereto, subsequently clarified by Railway Board's Circular dated 17.01.2006 as in Annexure A-3 hereto which are being enjoyed by other regular/permanent employees with all arrears to the applicant by the Railway Administration with interest as on 31/10/2010 till date of actual payment is made;

C) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal."

2. Ld. counsel for the applicant submits that other similarly circumstanced incumbents have been granted their retiral benefits on the basis of Hon'ble Apex Court's order as well as orders of the Hon'ble High Court at Kolkata as in Annexure A/7 and A/8 to the O.A. Ld. counsel would also refer to the representation dated 07.05.2019 pending at Annexure A/9, wherein the applicant has cited such judicial decisions in his support and, further submits that a direction be issued to the concerned respondent authorities to dispose of the said representation in a time bound manner.

3. Ld. counsel for the respondents does not object to disposal of such representation in accordance with law.

4. Accordingly, without entering into the merits of the matter and with the consent of both the parties, the Respondent No. 2, who is the General Manager, South Eastern Railway, is directed to examine the contents of the representation, if received at his end, within a period of 8 weeks from the date of receipt of a copy of this order. The said respondent authority shall decide in accordance with law and will convey his decision in the form of reasoned and speaking order.

5. In case a favourable decision is arrived at in favour of the applicant, consequent benefits should be released to the applicant within 8 weeks thereafter.

6. The O.A is disposed of with the above directions. No costs.

(Dr. Nandita Chatterjee)
Member (A)