

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00831/2019

Date of order: 18.7.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

P. Narayana Rao,
Son of P. Dalanaidu,
C/o R. Rama Rao,
Of Samapti Apartment,
No. 304 (2nd Floor),
Block - B, 27, LMC Sarani,
Baksara,
District - Howrah,
Pin - 711 110.

... Applicant

V E R S U S

1. The General Manager,
South Eastern Railway,
11, Garden Reach Road,
Kolkata - 700 043.
2. The Principal Chief Commercial Manager,
South Eastern Railway,
14, Strand Road,
Kolkata - 700 001.
3. The Divisional Railway Manager,
South Eastern Railway,
Kharagpur,
Post Office - Kharagpur,
District - Paschim Medinipur,
Pin - 721301.
4. The Sr. Divisional Personnel Officer,
South Eastern Railway,
Kharagpur,
District - Paschim Medinipur,
Pin - 721 301.

... Respondents

For the Applicant : Mr. S.K. Bhowmik, Counsel

For the Respondents : Ms. G. Roy, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(i) An order or direction do issue upon the respondents authority to consider the prayer of post retirement pensionary benefit after adding 50% service render by the applicant between 20.11.1981 to 20.11.1997 (16 years) in the manner so granted to the applicant in O.A. 545/1999, O.A. 587/2016 (Kashinath & Anr.) - Vs. Union of India & ors.), as well as CAT/Bangalore Bench case No. O.A. 170/00185 of 2016 (S. Raju -vs. - Senior Divisional Personnel Officer, Bangalore, South Western Railway & ors.)

(ii) Any other or further order do issue as to this Hon'ble Tribunal may seem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The submissions of the applicant, as canvassed through his Ld. Counsel is that, the applicant was appointed as a Commission Bearer at VZM (Vizianagaram) under Chief Catering Inspector in erstwhile South Eastern Railway. He was regularized after working for 16 years continuously as a Commission Bearer. After joining the Catering Department, the applicant was posted at Santragachi on 21.11.1997, and, thereafter was declared surplus. Although he had opted for permanent absorption in IRCTC, the applicant was released by IRCTC for repatriation to the Railways in response to New Catering Policy 2010. Upon repatriation, he was posted as a Bearer at Kharagpur and finally transferred to Howrah.

The applicant superannuated on 31.7.2018, but, as 50% of his service as Commission Bearer was not reckoned in his qualifying service, he was deprived of pensionary benefits and, that, although he had represented to the respondent authorities on 4.2.2019, (Annexure A-10 to the O.A.), the said representation remains pending and, hence, his Ld.

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Counsel would pray for a direction on the respondent authorities for early disposal of the pending representation.

4. Ld. Counsel for the respondents does not object if the representation is directed to be disposed of in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the respondent No. 3, who is the Divisional Railway Manager, South Eastern Railway, Kharagpur, to examine the contents of representation dated 4.2.2019 of the applicant (Annexure A-6 to the O.A.), if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order.

The said respondent authority shall decide in accordance with law and convey his decision in the form of reasoned and speaking order to the applicant forthwith thereafter.

In case the applicant is entitled to benefits, as prayed for, the same should be settled and released to the applicant within a further period of 16 weeks thereafter.

6. With these directions, O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP