

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00832/2019

Date of order: 18.7.2019

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

P. Suryanarayana,
Son of P. Appalaswamy,
C/o. Raj Kishor Gupta,
Of 93, Sukanta Place,
South Baksara, P.O. Baksara,
District - Howrah,
Pin - 711 110,
West Bengal.

... Applicant

- VERSUS -

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 - 721 301.
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) A order or direction do issue upon the respondents authority to consider the prayer of the applicant for post retirement pensionary benefit after adding 50% service render by the applicant between 17.5.1969 to 18.6.2002 (about 32 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 advocated through his Ld. Counsel is that, he was appointed as a Commission Vendor under S.E. Railway Restaurant, Waltair Division on 17.5.1969 and, thereafter, was transferred to SRC. The applicant was permanently absorbed on 19.6.2002 and thereafter superannuated on 30.6.2005 after rendering continuous service for three years but did not obtain any pensionary benefits.

The applicant came to learn from various judicial pronouncements that Hon'ble Courts had directed to reckon 50% of services as Commission Vendor/Bearer for pensionary benefits and the applicant, thereafter, represented on 6.2.2019, seeking counting of 50% of his service as Commission Vendor from 17.5.1969 to 18.5.2002. As the said representation is still pending before the respondent authorities, Ld. Counsel for the applicant would submit that a direction be issued to the concerned respondent authority to dispose of the pending representation in a time bound manner.

h/c

4. Ld. Counsel for the respondents does not object to the disposal of such representation 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 6.2.2019 (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 reckoning of 50% of his service as Commission Agent, necessary benefits may be settled and released to the applicant within a further period of 16 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP