

(2019) 10 CAT CK 0029

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 3344 Of 2019

Sushil Kumar Maurya

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 14-10-2019

Acts Referred:

Citation : (2019) 10 CAT CK 0029

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Ajit Kakkar

Final Decision : Disposed Of

Judgement

Nita Chowdhury, Member (A)

1. This OA has been filed by the applicant along with the MA for condonation of delay in which the applicant has asked for the following reliefs:-

"a) To quash the impugned order dated 26.12.2017.

b) To direct the respondents to deem the applicant to be appointed from the date the vacancy arose and that the applicant shall be included and governed under the old pension scheme i.e. CCS(Pension) Rules, 1972.

c) To direct the respondents to collect the necessary subscription under the Provident Fund Rules and the contribution collected from the applicant under the NPS shall be credited to his General Provident Fund account.

d) Pass such and other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. When the applicant was asked whether before filing of this OA, he has exhausted the remedy of filing a representation with regard to his claim, he informed that similarly placed persons as him had given a representation which was replied to by the Office of the Divisional Railway Manager, New Delhi vide

their Order No.758-E/580/NPS-LPG/P-7 dated 25.12.2017 in which the following reply has been given:-

"In this connection, it is intimated that a petition before the Hon'ble High Court of Kerala against the order of Hon'ble CAT in OA No.20/2015 is still pending. However, we have sympathies for the appellant but in a society governed by the rule of law, sympathies cannot override the Rules and Regulations. The cut-off date is a domain of the employer and so the introduction of New Pension Scheme will be done considering all the relevant factors including financial viability of the same. Hence, their representations are declined and stands disposed off."

3. As per the above order, this matter is already pending consideration of the respondents. Hence, without going into the merits of the case, we direct the respondents to pass a detailed and speaking order in this regard within 90 days of receipt of a copy of this order.

4. With the above directions, the OA stands disposed of at the admission stage itself. Hence, MA for condonation of delay is dismissed as infructuous.