
(2015) 04 PAT CK 0020

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10642 of 2013

Union of India and Others

APPELLANT

Vs

Raj Kumar Yadav and Others

RESPONDENT

Date of Decision : 13-04-2015

Acts Referred:

Citation : (2015) 04 PAT CK 0020

Hon'ble Judges : Jitendra Mohan Sharma, J.; Navaniti Prasad Singh, J.

Bench : Division Bench

Final Decision : Disposed off

Judgement

Navaniti Prasad Singh, J.—Some of the Railways employees had moved the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the "Tribunal") with a prayer that they are entitled to be treated under the old pension scheme and not under the new pension scheme. They had claimed that they were substitute employees prior to 01.01.2004. Their regularization got delayed. They were already covered under the old pension scheme. Now, as a consequence of delayed regularization, they cannot be pushed into new pension scheme. The Tribunal accepted their contention and allowed the original application against which Railways has filed the present writ petition.

2. Ultimately, when this matter was taken up Mr. P.K. Verma, learned senior counsel appearing for the employees who were respondents in the writ proceedings, pointed out that Railway Board has since taken a decision that all substitute employees, who were working prior to 01.01.2004 but had been regularized thereafter, would continue under the old pension scheme. In view of the aforesaid policy, the writ petition would become infructuous.

3. We had granted time to the Railways to seek instructions in the matter. A supplementary affidavit has been filed on behalf of the Railways sworn by the Divisional Personal Officer, East Central Railway, Samastipur clearly accepting the aforesaid position. In the said affidavit, there is special mention of three persons

who are at serial Nos. 47, 51 and 55. So far as serial No. 47 is concerned, he stated to have been dead. In respect of serial Nos. 51 and 55, it is stated that they have to submit certain papers before things could be considered otherwise as a matter of policy the applicants before the Tribunal and the private-respondents before this Court are entitled to be under the old pension scheme. The position is conceded.

4. In that view of the matter, the writ petition stands disposed of.