

W.P.C.T. No. 1 of 2025

Union of India & Anr.

Vs.

Arjun Ram

Ms. Amrita Pandey,
Mr. Supratim Ghose

...for the Union of India

1. Heard the learned counsel for the writ petitioner.
2. The applicant before the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as the 'C.A.T.') initially was a Commission Bearer. He was subsequently absorbed in the Eastern Railway and retired on attaining age of superannuation on 28.02.2013. The petitioner, thus, completed 9 years 2 months 27 days of service, falling short of the requisite tenure of qualifying service for pension. The petitioner approached the C.A.T. in view of rejection of his prayer for pension with the following relief :-

“a) To direct the respondents, their agents, men, superior successor in office, to rescind, withdraw, cancel and/or set aside the impugned Memo No. E/Pen/604/AR/19 dated 09.10.2019, Memo No. RTI/ASN/P-117/AR/19 dated 17.10.2019 and Memo Nos. E/Pen/604/RTI/19 dated 14.10.2019, all issued by the Railway Authority;

(b) To direct the respondents to treat the present applicant at par with the applicants in O.A. 1131 of 2015 (Shri Harihar Ram @Hari Ram & Another -Vs- Union of India & Others)

and also petitioners in O.A. No. 545 of 1999, as well as Sri Arjun Modi petitioner in O.A. 350/01087/2014, and to give similar relief to the applicant;

(c) To direct the Railway Authority and/or the Union of India to give any ad-interim relief to the present applicant till the disposal of the present application before this Hon'ble Tribunal;

(d) To pass such other or further order or orders, direction or directions as this Hon'ble Tribunal may fit and proper for the ends of justice;

(e) That the applicant is further praying for direction upon the respondent authorities to transmit all the relevant records and documents of the case so that conscionable justice may be done to your applicant."

3. The petitioner before the C.A.T. claimed the benefit of pension since he was similarly situated with applicant of one O.A. No.545 of 1999 in whose case the C.A.T. had granted the relief. The order of the C.A.T. was assailed by the authorities in W.P.C.T. No. 167 of 2017 before the Calcutta High Court. The Calcutta High Court passed an order on 16.01.2008 observing that it did not find error in the Judgement, insofar as granting the benefit relating to pension of the respondent is concerned. The petitioner also cited similar benefit being granted by the C.A.T. to one Arjun Modi, applicant of O.A. No. 01087 of 2014. The C.A.T. in his case directed to consider grant of appropriate

benefits to the applicant therein, treating them at par with the applicant of O.A. No. 545 of 1999. He further cited the case of one Harihar Ram, applicant of O.A. No. 1131 of 2015.

4. The authorities have resisted the claim of the applicant/respondent herein by raising an issue that the petitioner approached the C.A.T. after delay. Though he retired on 28.02.2013 and was refused the benefits prayed for by a letter dated 09.10.2019, he did not make any effort to claim the pension till filing of the present O.A. in the same year. Since the representation was filed by the petitioner 6 years after his retirement, it was submitted on behalf of the authorities that his claim was belated and liable to be dismissed on this ground.
5. The C.A.T. considering the orders and Judgements passed in respect of similarly circumstanced persons, directed the respondents to examine the case of the applicant in light of the decisions rendered in O.A. No. 545 of 1999 as modified by the Calcutta High Court in W.P.C.T. No. 471 of 2006 and also decisions rendered in O.A. No. 01087 of 2014 and O.A. No. 1181 of 2015, and to release the identical benefit to the applicant within three months from the date of

receipt of the certified copy of order passed by the C.A.T.

6. From the stand of the respondent, present writ petitioner, it is apparent that the claim is being resisted by citing a delay of six years. The petitioner has relied upon orders passed in favour of other similarly situated directing consideration of their claim for pension at par with applicant of O.A. No. 545 of 1999, even though they have filed their O.A.s in the year 2015.
7. The claim for parity not being in dispute, we do not intend to interfere with the order of the C.A.T. merely because the issue of delay in making a representation has been raised.
8. We are not inclined to interfere with the directions in view of the nature of the claim made by the applicant being pensionary benefits, which is arising out of a continuing wrong, which gives rise to a recurring cause of action every month when the pension amount becomes due, as per law laid down by the Apex Court in the case of ***Union of India Vs. Tarsem Singh***, reported in ***(2008) 8 SCC 648***.
9. The applicant has approached the C.A.T. upon rejection of his representation and in between rejection of his representation and filing of the

original application, there is no delay nor any issue of limitation is arising under the provisions of the Administrative Tribunals Act.

10. We find no reason to interfere with the order dated 20.06.2024 passed by the C.A.T. in O.A. No.1653 of 2019.
11. The Writ Petition being **W.P.C.T. No. 1 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)