

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(1)

O.A.NO.1359/2002

Thursday, this the 23rd day of May, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

R.P. Rampal
S/O Late Shri Mulkh Raj Rampal
R/O A-1/6, Jyoti Nagar West
Loni Road, Delhyi-32
(By Advocate: Shri H.L. Bajaj) ..Applicant

Versus

Union of India through the Secretary
Railway Board, Ministry of Railways
Rail Bhawan, New Delhi-1 ..Respondent

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. By an order passed on 16.8.2000 in OA-2627/99 filed by the present applicant, the Tribunal had decided the matter by holding that the applicant shall be entitled for grant of four advance increments in terms of the Railway Board's letter dated 29.5.1989 notionally from the date of filing of the OA for purposes of revision of his pension. Non-compliance of the aforesaid directions led to the filing of CP-188/2001 which was decided on 9.7.2001 by holding that the respondents had implemented the aforesaid order of this Tribunal dated 16.8.2000. Not satisfied with the aforesaid order, the applicant went up before the Delhi High Court by filing CWP-6673/2001, ^{✓ that Court have,} ~~the~~ by their order dated 1.11.2001, ^{✓ provided ✓} ~~the~~ as under:-

"Petitioner's present grievance is that respondents had not made correct calculations in revising his pension. Nothing has been placed on record to show that they had committed any error in doing so or that Tribunal had gone wrong in recording its satisfaction in this regard. Petition is accordingly dismissed. However, should petitioner be still convinced of his claim, he shall

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be at liberty to take appropriate remedy in the matter."

3. In pursuance of the aforesaid order passed by the Delhi High Court, the applicant filed a detailed representation dated 12.11.2001 (A-7) in which he has brought out the way the calculations should have been made by the respondents by following the departmental instructions dated 29.5.1989 referred to in the Tribunal's order dated 16.8.2000. The amount of pension refixed by the respondents order dated 16.5.2001 (A-1), however, gives a different result than brought out in the aforesaid representation.

4. I have considered the submissions made and find that in the interest of justice, it is necessary to call upon the respondents to apply their mind carefully once again by having regard to the details supplied by the applicant in the aforesaid representation. After doing so, the respondents must either revise the applicant's pension in the manner indicated in the aforesaid representation or else pass a reasoned and a speaking order expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. In the order to be passed by them, the respondents will clearly indicate the rules relied upon by them in rejecting the applicant's claim and the manner in which the said rules have been applied.

5. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.


(S.A.T. Rizvi)
Member (A)

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