Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1545/2002

New Delhi this the 15th day of July, 2005.

Hon'ble Shri Shanker Raju, Member(J)

1. Sh. Prem Shanker Gupta,
    S/o late Sh. Bani Ram Gupta,
    R/o 63, Shreshtha Vihar,
    I.P. Extension-II,
    Delhi-92.

2. Sh. Pandurang Govind Patil,
    R/o B-23, Arjun Apartment,
    Vikaspuri, Delhi.

3. Sh. Shantaram Balwant Parate,
    R/o C-81, Pocket 'B',
    Mayur Vihar, Phase-II,
    Delhi-91.

4. Sh. Vijay Chinnuram Kanyal,
    R/o 24, Surya Niketan,
    Delhi-92.

5. Sh. Ganapati Vishnu Gosavi,
    S/o Sh. Vishnu Nanajee gosava,
    R/o 336-A, Nandgram,
    Ghaziabad-201001.

6. Sh. Gurbachan Singh Randhawa,
    S/o Sh. Sardar Sharam Singh Randhawa,
    R/o A-2/238, Ist Floor,
    Janakpuri, Delhi.

7. Sh. Francis Antony,
    R/o A-88, Ashoka Enclave,
    Phase-II, Faridabad.

8. Sh. Sukh Dev Singh Chahal,
    S/o Sh. Prem Singh Chahal,
    R/o M-203, Vikaspuri,
    Delhi.

9. Sh. Ragh Raj Singh Bais,
    S/o Sh. Laxman Singh,
    C/o Sanjay Singh Chauhan,
    House No. 692 'Z' Type,
    Timar Pur, Delhi-54.

10. Sh. Dhanwant Singh Jaggi,
    S/o Sh. Man Singh,
    C/o Sh. G.D. Singh,
    DIB, 11C, Janak Puri,
    New Delhi.

11. Sh. Oommen Koshy,
    S/o Sh. Kochitty Koshy,
    R/o 201-B, DDA Flats,
    Ghaziapur, Delhi-96.

12. Sh. Khem Chand,
    S/o late Sh. Sunder Das,
    C/o Sh. Anil Kumar Gupta,
    H.No.1/10934-A, Street No.7A,
    Subhash Park, Naveen Shahdra,
    Delhi-32.

13. Late Sh. Lal Singh Shakawat,
    through legal hear Smt. Sushila Shekawat,
    C/o Sh. S.K. Upadhaya,
    Q.No. 3-A, Sector-34, Noida,
    Gutam Budh Nagar.

14. Sh. Jimmy A. Driver,
    S/o Sh. Ardeshir Cawasji,
    C-4/A, Basant Lane,
    New Delhi-55.   ....   Applicants

(through Sh. K.K. Patel, Advocate)

Versus

1. Union of India through
    the Chairman, Railway Board,
    Rail Bhawan, 1, Rafi marg,
    New Delhi-1.

2. The General Manager,
    Central Railway,
    C.S. Terminus,
    Mumbai-400001.

3. The Chief Personnel Officer(T),
    General Manager's Office,
    Chhatrapati Shivaji Terminus,
    Mumbai-400001.   .....   Respondents

(through Sh. H.K. Gangwani, Advocate)

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Order (Oral)

Heard the learned counsel for parties.

2.   Applicants in this O.A., vide MA-2323/2003, have prayed for a direction to the respondents to refix their pay as on 1.1.1986 as per rule 1326 (FR-31) of Indian Railway Establishment Code Vol.II. in so far as enhancement of pension and other retrial benefits as well as family pension by 55% or 75% of the basic pay being the pay element in running allowance as granted to Loco Running Staff from the respective dates of retirement of each of the applicants herein.

3.   Learned counsel states that cut off date as of 1.1.1993 would not be an impediment as the Tribunal in OA-229/2000 dated 16.10.2001 directed adding of 55% of the running allowance to those who were earlier on the running staff and retirement on superannuation with arrears of pension etc. by recalculating the retirement benefits. The aforesaid order was carried before the High Court of Delhi in CWP-9602/2002 wherein by an order dated 22.09.2003 findings of the Tribunal have been upheld having regard to the decision of the Apex Court in C.G. Ghosh & Rs. Vs. U.O.I. & Ors.(1991Suppl. SC 497).

4.   It is further stated that the decision of the High Court has attained finality by the rejection of SLP No. 4355/2004 by the Apex Court on 06.07.2004.

5.   In the light of above, it is no more res- integra that so far as pay fixation is concerned the retiree pre 1.1.1993 are entitled for the same and adding of running allowance as well. As this has not been done in the case of the applicants, this OA is partly allowed with a direction to the respondents to refix the pay of the applicant as on 1.1.1986 with adding of element of running allowance to the extent of 55% and thereafter calculate the arrears and accordingly redetermine the pensionary benefits including DCRG and in that event disburse the difference of arrears which may accrue on calculation. This

exercise shall be completed within three months from the date of receipt of a copy of this order.

S. Raju
(Shanker Raju)
Member(J)

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