

**Central Administrative Tribunal
Hyderabad Bench**

OA No.86/2018

Hyderabad, this the 7th day of January, 2020

Hon'ble Mr. B. V. Sudhakar, Member (A)

P. Prabhakar Rao
s/o Dr. P.P.James
Retired Station Manager
S.C.Rly. Sri Kalahasthi
D.No.18-38-S2-63
Sai Ratna Apartments
Madhura Nagar, Beside Leela Mahal
TIRUPATI, Chittoor District (AP).

.... Applicant(s)

(By Advocate: Ms. Anuradha proxy of Mr. B. Sekhar Reddy)

Vs.

1. Union of India Rep. by General Manager
South Central Railway, Rail Nilayam
Secunderabad.
2. The Financial Advisor & Chief Accounts Officer
South Central Railway, Secunderabad.
3. The Chief Personnel Officer & ex officio Chairman
Pension Adalath, South Central Railway
Rail Nilayam, Secunderabad.

4. The Divisional Railway Manager
South Central Railway, Guntakal Division
Guntakal 515 801, Anantapur District (AP)
5. The Senior Divisional Operations Manager
South Central Railway, Guntakal Division
Guntakal 515 801, Anantapur District (AP).
6. The Senior Divisional Finance Manager
South Central Railway, Guntakal Division
Guntakal 515 801, Anantapur District (AP).
7. Senior Divisional Personnel Officer
South Central Railway, Guntakal Division
Guntakal 515 801, Anantapur District (AP) .. Respondent(s)

(By Advocate: Mrs. C. Vijaya Laxmi, proxy of Mr. T. Hanumantha Reddy,
Sr. PC for CG)

O R D E R (Oral)

2. The OA has been filed challenging the impugned order dated 31.8.2014 in regard to the pension of the applicant.
3. Brief facts of the case are that the applicant joined in the respondents organization on 01.07.1980 and retired on 31.08.2014. with a pay of Rs.26,710/- on the date of superannuation. However, the respondents have finalized the pension based on the pay of Rs.25,930/- instead of Rs.26,710/-, which was drawn as his last pay on the date of retirement. This has lead to decrease in settlement of retirement benefits. The applicant represented on 09.07.2015 but there being no

response, he sought information under Right to Information Act, 2005, wherein he was given some wrong information. Consequently, applicant made another representation but in vain. The applicant, being aggrieved that he has been granted lesser retirement benefits, has filed this OA.

4. The contentions of applicant are that there are some errors in fixing his pension at some stage.

5. Respondents in their reply statement stated that the applicant retired on 31.08.2014 and his pay was taken as Rs.25,930/-. The pay of the applicant in July, 2014 was erroneously drawn as Rs.26,710/- but on verification of the service record, it was found that an extra increment was drawn in favour of the applicant while granting financial upgradation under MACP, vide letter dated 26.05.2011. It was also found that the employee has not submitted an option for fixation of pay from the date of normal increment due on 01.07.2011 as per relevant rules. Though the applicant has not given any option for fixation of pay from the Date of Next Increment (DNI), his pay was erroneously drawn , which came to their notice at the time of arranging settlement benefits. Therefore, after noticing the mistake, the pay of the applicant has been reduced to, as stated above, from Rs.26,710/- to Rs.25,930/-. It is stated that corrective action was taken in terms of the Rule 15 proviso 4(b) of Railway

Services (Pension) Rules, 1993 in revising the pay w.e.f. 01.07.2014.

After revising the pay, the settlement dues were arranged accordingly.

6. Heard both the counsel and perused the pleadings on record.
7. The respondents have admitted that the applicant's pay for the month of July, 2014 was drawn erroneously as Rs.26,710/- and on verification of service record, they found that an extra increment was drawn in favour of the applicant while he was granted financial up-gradation under MACP Scheme, vide order dated 26.05.2011. Later, respondents found that the applicant has not submitted an option for fixation of pay from the date of normal increment on 01.07.2011 as per Rule No.1313 [FR 22(1)(a)(i)] of Indian Railway Establishment Code Vol.I, Chapter XIII. At the time of hearing, the learned counsel for the applicant has drawn the attention of the Tribunal, to the option submitted by the applicant on 05.06.2011 wherein he has requested to fix his pay only after drawing of the annual increment due on 01.07.2011. This fact rebuts the assertions of the respondents that the applicant has not given any option. Therefore, it may be fair and proper for the respondents to re-examine the request of the applicant to fix his pension based on the option given on 05.06.2011 which is Annexed as A-2 to the rejoinder filed by the applicant. Keeping the above facts in view, the respondents are directed to reexamine the case of the applicant for fixing his pension

as per the option given by the applicant and in accordance with the extant rules governing pension, by issuing a speaking and reasoned order within a period of eight weeks from the date of receipt of a copy of this order. The OA is accordingly disposed with no order as to costs.

(B. V. Sudhakar)
Member (A)

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