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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2462/2001

Tuesday, this the 30th day of October, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

1. S/Shri
Y.B.L.Mathur
Age: 68
Retired as G.M. from D.L. Works Varanasi
 2. Ramesh Chand Sethi
Age: 68
Retired as G.M. from D.L. Works Varanasi
 3. Kuldip Narain
Age: 72
Retired as GM from ICF Chennai
 4. Devendra Charan Mishra
Age: 65
Retired as GM from S.C.Railway Calcutta
 5. Ram Kripal Sharma
Age: 65
Retired as GM from C.L.W. Calcutta
 6. Vijay Singh
Age: 70
Retired as GM from C.Rly. Bombay
 7. Gauri Shanker
Age: 71
Retired as GM from N.E. Railway Calcutta
 8. Anand Swrup Aggarwal
Age: 70
Retired as GM from Metro Rly Calcutta
 9. Om Parkash Jain
Age: 67
Retired as GM from RDSO Lucknow
 10. Raj Kumar Vir
Age: 71
Retired as GM from CLW
 11. Mahesh Kumar Modwal
Age: 75
Retired as GM from RDSO Lucknow
 12. L.R. Gosain
Age: 80
Retired as GM from ICF Chennai
 13. R.C.Tandon
Age: 70
Retired as GM from ICF Chennai
- dr

14. Parmod Kumar
Age: 65
Retired as GM from DLW Varanasi
 15. Amar Nath Wanchoo
Age: 71
Retired as GM from N. Rly, New Delhi
 16. Satish Behl
Age: 70
Retired as GM from ICF Chennai
 17. S.K. Dutta
Age: 70
Retired as GM from N. Rly, New Delhi.
- ..Applicants
- (By Advocate: Shri B.S.Mainee)

Versus

Union of India through

1. The Secretary,
Ministry of Railway
(Railway Board)
New Delhi
 2. Secretary,
Ministry of Personnel,
Public Grievances & Pensions
Department of Pension & Pensioners Welfare
New Delhi
- ...Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.I. Rizvi:

The applicants in the present OA have filed a MA-2405/2001 for leave to file a single petition on behalf of all the applicants, who are 17 in number. The applicants in the instant case are all General Managers in the Indian Railways and in the circumstances, it would be reasonable to presume that they all are affluent. In the circumstances, we do not find that a just cause is made^{out} by the applicants to file a single OA without their^{own} having to file a separate court fee for each one of them. Shri B.S.Mainee, learned counsel appearing for them gives an undertaking to supply the requisite court fee within a period of two weeks from today. It is clarified that the

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following order will operate only after the aforesaid court fee is filed.

2. In the circumstances, MA-2405/2001 is disposed of.

3. In this case, the applicants retired on superannuation before 1.1.1996. Their pension was required to be fixed in terms of the provisions made in the Railway Board's letter dated 15.1.1999 (Annexure A-2) followed by the provisions made by the Railway Board in their letter of 30.6.1999 (Annexure A-3) and their letter dated 9.9.1999 (Annexure A-4). The principle laid down in the aforesaid letters issued by the Railway Board is to the effect that with effect from 1.1.1996, the pension of all pensioners irrespective of ~~their~~³ date of ² ~~their~~² retirement shall not be less than 50% of the minimum of pay in the revised scale of pay introduced w.e.f. 1.1.1996 for the post last held by the pensioner/deceased Railway servant. The learned counsel appearing on behalf of the applicants submits that instead of adhering to the aforesaid principle and without giving any opportunity to the applicants to state their case, the Railway Board have by their letter dated 1.10.2001 (Annexure A-1) laid down a different principle for determination of pension which seeks to lay down that -

"In view of the position emerging out of Board's letter dated 20.8.01, as enumerated in para 1 above, for stepping up of pension/family pension as on 1.1.1996 of the pre-1996 retired/deceased Railway servants, the scale of pay introduced w.e.f. 1.1.1996 should be the one that corresponds to the scale of pay held by the Railway servants at the time of retirement/death while in service and

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not the higher replacement scale of pay
introduced w.e.f. 1.1.1996 or
thereafter..."

4. Aggrieved by the aforesaid letter dated 1.10.2001 which lays down an altogether different principle for determination of pension, the applicants have filed the present OA. The learned counsel appearing on their behalf submits that since the matter^{is to} required to be adjudicated upon urgently in view of the recoveries proposed to be made from the applicants, a formal representation has not been made before the respondent-authority and the present OA has been filed straight-away.

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5. We have considered the matter in the light of the submissions made by the learned counsel and find that a representation in the matter would still have been in order and the present OA should have been filed only after filing a formal representation before the respondent-authority.

6. In this view of the matter and having regard to the peculiar circumstances of the case, we find that the interest of justice will be duly met in the instant case by disposing of the OA at this very stage even without issuing notices with a direction to the respondent-authority to consider the present OA as a representation and to decide the same as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order by passing a reasoned and a speaking order. Meanwhile, during the aforesaid period of three months, the recoveries proposed to be made in terms of para 3 of the Railway Board's letter dated 1.10.2001 will remain stayed. Similarly, reductions proposed to be made from the amount of pension otherwise

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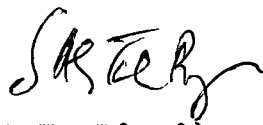
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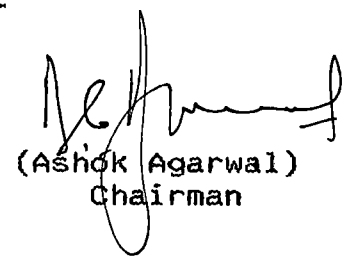
payable to the applicants will also remain stayed during the same period.

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

8. Registry is directed to send a copy of the OA along with this order to the respondents.



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



(Ashok Agarwal)
Chairman

/sunil/