

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(2)

OA NO. 3124/2001

New Delhi, this the 13th day of November, 2001

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri J.L. Kaul
S/o Late Shri Prem Nath Kaul
Retired General Manager
Metro Railway, Kolkata.
R/o 56, Anupam Apartments
M.B.Road, New Delhi - 110068.

2. Sh. D.M. Singh
S/o Sh. Kalp Nath Singh
 3. Sh. S.D. Jetley
S/o Sh. J.R. Jetley
 4. Sh. K. Vishwanathan
 5. A.Ramji
S/o Sh. J. Amrithalingam
 6. Sh. Naps Rao
S/o Sh. N.S. Awantha Rao
 7. Sh. P.V. Narayan Swamy
S/o Dr. P.N.V. Iyer
 8. Sh. K.N. Dasgupta
S/o Sh. Ram Narayan Dasgupta
 9. Sh. Kameswaran Ramakrishnan
S/o Sh. Surya Moorty Kameswaran
 10. Sh. Satish Mohan Vaish
S/o Sh. Mitthan Lal Vaish
 11. Sh. A.L. Kochhar
S/o Sh. K.R. Kochhar
 12. Sh. Madan Mohan Lal Sharma
S/o Sh. Kundan Lal Sharma
 13. Smt. Sujata Chakraborty
Widow of Late Sh. Anil Kr. Chakraborty
- ...Applicants
- (By Advocate Sh. B.S. Mainee)

UNION OF INDIA

Versus

Through :

1. The Secretary
Ministry of Railways
(Railway Board)
Government of India
Rail Bhavan, Raisina Road,
New Delhi - 110001.
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2. The Secretary
 Department of Personnel
 Pension & Public Grievances
 Government of India
 North Block, New Delhi - 1. Respondents

O R D E R (ORAL)

By Sh. V.K.Majotra, Member (A)

Applicants, 13 in number, have filed MA-2532/2001, 12 of them are retired General Managers of Indian Railways while applicant No.13 Smt. Sujata Chakravorty is the widow of late Sh. Anil Kumar Chakravorty who retired as General Manager. They have stated that they have a common cause of action and are seeking common relief and, therefore, should be permitted to file this OA jointly. This MA is allowed.

2. The applicants retired on superannuation before 1.1.96 while they were working in the post of General Manager in the scale of Rs.7300-8000. As per recommendations of the 5th Central Pay Commission the scale was revised to Rs.22,400-26000 w.e.f. 1.1.96 which was subsequently upgraded to the scale of Rs.24050-26000 as per Annexure A-3 dated 30.6.1990 w.e.f. 1.1.96 itself. As per Annexure A-4 dated 9.9.99 in implementation of Government's decision on the recommendations of the 5th Central Pay Commission relating to retirement benefits of various categories of posts which were extended higher replacement scales effective from 1.1.96 the pension and family pension of the petitioners was revised in terms of the minimum of the higher replacement scale of pay, i.e., Rs.22,400/-.

3. The learned counsel appearing on behalf of the applicant Sh. Maine stated that without giving any opportunity to the applicants the Railway Board have by their order dated

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1.10.2001 (Annexure A-1) sought to revise the pension/family pension of the applicants suo motto with reference to the Boards letter dated 20.8.2001 and with reference to the earlier replacement scale of Rs.22,400-26000 instead of the upgraded replacement scale of Rs.24050-26000 w.e.f. 1.1.96 on the ground that the applicants were not in service on 1.1.96. The learned counsel contended that Annexure A-1 is arbitrary and in violation of principles of natural justice. He also placed reliance on order dated 30.10.2001 passed by this Tribunal in OA-2162/2001 Y.B.L.Mathur and others vs. Union of India and others which we find was an identical matter in which the present impugned order dated 1.10.2001 was also the impugned order and following orders were passed in the said OA :

"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 Boards's letter dated 1.10.2001 will remain stayed. Similarly, reductions proposed to

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be made from the amount of pension otherwise payable to the applicants will also remain stayed during the same period."

4. In our view the aforesated order squarely covers the facts and circumstances of the present case. Accordingly, we find that interest of justice will be duly met in the present matter by disposing of this OA at this very stage even without issuing notices to the respondents with a direction to the respondents to consider the present OA as a representation and to decide the same expeditiously and in any event within a period of 3 months from the date of communication of these orders by passing a reasoned and speaking order. During the aforesaid period of 3 months the recovery sought to be made by the Railway Board shall remain stayed. Similarly reductions proposed to be made from the amount of pension/family pension otherwise payable to the applicants shall also remain stayed during the said period. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.

5. Registry is directed to send a copy of this OA alongwith this order to the respondents.


(KULDIP SINGH)
Member (J)

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(V.K. MAJOTRA)
Member (A)