

Central Administrative Tribunal  
Principal Bench

O.A. No. 44 of 2001  
M.A. No. 24 of 2001  
M.A. No. 548 of 2001  
M.A. No. 662 of 2001

New Delhi, dated this the 17th May, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S/Shri

1. M. Narayana Shetty,  
Retd. Guard,  
Mysore Division,  
S/o K. Muniswamyiah,  
D. No. 333, 13 th Main Saraswathipuram,  
Mysore-570009.
2. G.B. Basaraj Urs
3. S. Srikantha Shastri
4. Syed Mahood
5. Mahmood Shariff
6. Mohammed Hsham
7. Papaiah
8. Khaleel Ahmed
9. Ethirajan
10. M.V. Narasimhamurthy
11. K.V. Krishnamurthy
12. Syed Jalal
13. K.V. Srikanthaiah
14. A. Ahmed Khan
15. G. Raju
16. Nanjappa
17. K.V. Srinivasachar
18. K. Sheshadri
19. J.W. Paroah
20. Perumai
21. B. Namashivayam
22. A. Lingappan

23. P. Karuppannan
24. M. Kasmiri Louis
25. K. Devanathar
26. K.C. Nallapan
27. R. Sethuraman
28. P. Vishwanathan
29. R. Marappan
30. M. Elias Arun Raj
31. R. Ranganathan
32. P. Madhavan Nair
33. R.V. Ponnaiah
34. R. Joseph
35. V. Radhakrishnan
36. A. Velayutham
37. K. Thangavelu
38. N. Ranamanickam
39. V. Thiagarajan
40. N.C. Lakshmanan
41. S. Navaneetha Krishnan
42. T.P. Govindan
43. U. Santhakumar
44. F.I. Castellino
45. P.P. Madhava Menon
46. L.E. D'Monte
47. A.P. Sankaran
48. P. Madhavan
49. K.S. Naryanasamy
50. V.M. Punnusamy
51. K. Manavalan
52. P. Ponnusamy
53. A.G. Srinivasan

(11)

54. A. Annamalai  
 55. M. Ranganathan  
 56. S.R. Gopalakrishnan  
 57. M.K. Devaraj ... Applicants

(By Advocate: Shri C.L. Sahu)

Versus

1. The Chairman,  
 Railway Board,  
 Rail Bhawan, New Delhi.  
 2. The Dy. Director Finance (Estt.) III,  
 Railway Board,  
 Rail Bhawan, New Delhi.  
 3. The Sr. Divisional Accounts Officer,  
 Northern Railway, D.R.M. Office,  
 State Entry Road,  
 New Delhi.  
 4. The General Manager,  
 Northern Railway,  
 Baroda House,  
 New Delhi. ... Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)S.R. ADIGE, VC (A)

In this O.A. applicants impugn respondents' order dated 29.12.99 (copy subsequently taken on record) and seek a direction to Respondents to pay them pension to be computed by including 75% of Running Allowance as part of pay in respect of those who had retired prior to 4.12.88.

2. By interim order dated 16.3.2001, Respondents had been directed not to make recoveries from the pension of the applicants till next date of hearing and thereafter the interim order was extended from time to time.

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3. Respondents' counsel Shri Dhawan has invited our attention to the fact that all these applicants were serving in Southern Railway and any orders regarding their pension are to be implemented by General Manager/Divisional Railway Manager of Southern Railway.

4. In this connection he has invited our attention to the Tribunal's order dated 29.1.99 in PT no. 260/98 wherein it has been held that the cause of action would arise where the consequences of the order would fall and in the present case Shri Dhawan contends that cause of action would fall within the jurisdiction of CAT, Chennai Bench and CAT, Bangalore Bench and not within the jurisdiction of Principal Bench.

5. Applicants' counsel Shri Sahu states that the certain orders have been passed on a P.T. filed by applicants, but we have not been shown orders for retaining this case in the Principal Bench.

6. That apart we note that as many as 57 persons have been included as applicants in the O.A., but the O.A. has not been signed by each of them. The O.A. was signed by only one applicant. No M.A. has been filed by them for joinder of party.

7. Shri Dhawan, however, informs us that Respondents have no intention of denying the inclusion of 75% Running Allowance as an element of pay for purposes of calculating pension and the same

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(B)

in fact has already been taken into account in Respondents' O.M. dated 27.10.97, a copy of which is taken on record. He contends that in view of the fact that certain over payments have made to applicants in their pension <sup>on account clerical</sup> ~~by way of certain~~ errors the same is sought to be corrected.

8. Without going into the merits of the rival contentions, we note that this O.A. is not maintainable, firstly because the O.A. has not been signed by all the 57 applicants in the present O.A. and secondly because in terms of the Tribunal's order dated 29.1.99, ~~as~~ applicants' cause of action is not within the territorial jurisdiction of the Principal Bench and no orders have been passed on any Transfer Petition allowing its retention in the Principal Bench. Applicants are called upon to seek their remedies before the appropriate forum in accordance with law, if so advised.

9. However, in the event respondents are inclined to make any deduction in the pension of applicants, they <sup>should</sup> ~~can~~ do so only after putting applicants to reasonable notice.

10. Subject to the above, the O.A. is dismissed for lack of jurisdiction. No costs.

A. Kedavalli

(Dr. A. Vedavalli)  
Member (J)

karthik

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)