

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. 1124/96

This the 28th day of November, 1996

HON'BLE SHRI R.K. AHOOJA, MEMBER(A).

Shri Noel Thomas
S/o Shri Somal
R/o 6-A Anand Vihar, IIIrd
Nehru Nagar,
Ghaziabad (U.P.)

..... Applicant.

(By Advocate Shri Madhok proxy
for Shri B.S. Mainee)

Versus

1. Union of India through
the General Manager
Norther Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
New Delhi.

3. The Station Superintendant
Northern Railway
Ghaziabad (U.P.)

..... Respondents.

(By Advocate Shri Rajeev Sharma)

ORDER(Oral)

By Hon'ble Shri R.K. Ahooja, Member(A).

The applicant who started his service as Peon was promoted as Ticket Collector in the grade Rs.950-1500 on an ad hoc basis in the year 1984 and continued as such till his retirement in the same grade on 31.12.90. He is aggrieved that after his retirement respondent No.2 has wrongly worked out the retirement benefits i.e. pension gratuity, leave encashment etc. as if he was still working as a Peon at the time of his retirement. The applicant filed several representations but to no effect. He has now come

On

6

before the Tribunal seeking a direction to the respondents to re-calculate his retirement benefits on the basic salary of Rs. 1150/- which he was drawing at the time of his retirement as Ticket Collector.

2. The respondents, in their reply, state that the applicant was working as Ticket Collector on a purely ad hoc basis. He also did not appear in the screening test for regularisation as Ticket Collector. For this reason his basic salary had to be calculated on his substantive post of Peon. There is thus no mistake in the working out^{of} his retirement benefits. However, a representation filed by the applicant has been referred to higher authorities.

3. I have heard the counsel on both sides. I find, there is merit in the application inasmuch as the retirement benefits have to be worked out on the basis of average emoluments for 10 months. As per Rule 105 of Railway Pension Rules the term 'emoluments' for the purpose of calculating various retirement and death benefits shall mean basic pay as defined in Rule 2003(21(i) RII FR 29(21) (a) which the Railway servant was receiving immediately before his retirement or on the date of death. It is an admitted position that during the 10 months proceeding his retirement the applicant was receiving pay in the grade of 950-1500 as a Ticket Collector. His retirement benefit are therefore to be calculated on the emolument

Jo

based on this grade and not on the basis of any notional pay in the substantive post of Peon.

The application is therefore allowed. The respondents are directed to re-calculate the retirement benefits of the applicant and accordingly to pay him all the arrears within 3 months from the date of receipt of this order. No costs.

Alakes
(R.K. AHOOJA)
M(A)

(R3)