

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

(3)

O.A. No. 438 of 1996

New Delhi, dated this the 19th November, 1996

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

Shri P.N.Bhatia
R/o 139/6, D.C.M. Railway Colony,
Delhi-110006. APPLICANT

(By Advocate: Dr. D.C.Vohra)

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi
2. Chief Personnel Officer,
Northern Railway Hqrs.,
Baroda House,
New Delhi.
3. Financial Adviser &
Chief Accounts Officer,
Northern Railway Hqrs.,
Baroda House,
New Delhi-110001.
4. Smt. Chander Kanta
(In Personal capacity),
Chief Cashier (JA),
Northern Railway,
Multi Storeyed Building,
New Delhi-110055.
5. The Divl. Suptg. Engr. (Estate),
Northern Railway,
DRM Office,
New Delhi. .. RESPONDENTS

(By Advocate: Shri R.L.Dhawan proxy
counsel for Shri P.S.Mahendru)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Heard.

2. Admittedly, in the light of
Tribunal's order dated 7.8.96, and also
keeping in view ~~of~~ the earlier judgment, the

1

applicant has been promoted vide Respondents' order dated 4.10.96, a copy of which is taken on record.

3. The applicant contends that consequent to his promotion vide order dated 4.10.96 (Supra) he is entitled to increased pension. In this connection it is not denied that he has been paid provisional pension on the basis of the emoluments he was drawing at the time of retirement prior to order dated 4.10.96.

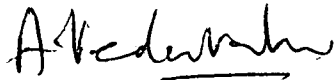
4. Both counsel agree that this O.A. may be disposed of with a direction to the Respondents that consequent to the applicant's promotion vide order dated 4.10.96, the Respondents will examine the claims of the applicant for increased pension, and other consequential benefits and thereafter pass a detailed, speaking and reasoned order within six weeks from the date of receipt a copy of this order. We direct accordingly.

5. In this connection applicant contends that in the light of the Hon'ble Supreme Court order dated 29.9.94 in Civil Appeal No. 6342/94 arising out of SLP (C) No.8771 of 1994 R. Kapur Vs. Director of Inspection (Printing & Publication), Income Tax & anr. (JT 1994 (6)SC 354, the applicant would also be entitled to interest on the delayed payment of pension @ 18% p.a. This contention is resisted by the Respondents' counsel on the ground that it is not applicable to the

10

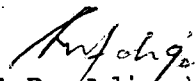
facts and circumstances of the present case. Without ourselves recording any finding on this point we call upon respondents to keep [^]the above in view while passing the detailed order directed in paragraph 4 above.

6. This O.A. stands disposed of accordingly. If any grievance still survives in regard to order passed by the Respondents as directed above it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised. No costs.



(Dr. A. Vedavalli)
Member (J)

/GK/



(S.R. Adige)
Member (A)