

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 722/96

New Delhi this the 18th Day of September, 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

Jai Lal Singh,
House No. 234 - B,
Shri Nagar,
Delhi 34.

Applicant

(By Advocate: Shri B.N. Bhargava)

-Versus-

1. Union of India through
The General Manager,
Northern Railway H.Q.,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway Bikaner Division,
Bikaner (Rajasthan).
3. The Divisional Cashier,
Northern Railway Division,
Bikaner (Rajasthan)

(By Advocate: Shri R.L. Dhawan)

ORDER

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

With the consent of both the parties, this O.A. is being disposed off at the admission stage. The grievance of the applicant who retired from railway service on 30.6.1994, is that the respondents have not correctly calculated his qualifying service for pension and that they also did not fix his pay on the basis of restructuring of cadre at the time of his retirement resulting in lesser retiral benefits.

2. The applicant states that he was engaged as a substitute Khallasi under Divisional Cashier in Bikaner Division of the Northern Railway in the year 1958. He was, however, regularised only w.e.f. 25.8.1966. The

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period of service between 1958 - 1966 i.e., 8 years 7 months and 20 days should have been accepted as qualifying service for calculation of pension. The applicant says that his pay was fixed at Rs. 997/- w.e.f. 1.3.1993 under the restructuring of cadre and therefore his pay should have been raised to Rs. 1011/- whereas he was retired at the pay of Rs. 969/-.

3. The respondents have submitted a short reply. They have stated that the case of the applicant has been considered by the competent authority and the substitute ~~period~~ ^{Service} from 30.4.1963 to 24.8.1966 has been counted for pensionary benefits and a revised PPO No. 410739 has been sent to the State Bank of India, Riwari on 12.6.1986. They have also conceded the claim of the applicant for fixation of pay at the time of retirement as Rs. 1011/- and submitted that they have issued a cheque for arrears of pay, on account of the difference, on 19.5.1998. The DCRG and commutation of pension have been also revised at the higher rate. In view of this position, according to the respondents no further grievance survives.

4. We have heard the counsel. The learned counsel for the applicant submits that the full benefit of previous service has not been included in the qualifying service. We find also that no explanation has been given by the respondents as to why the period between 1958 and 1963 has been omitted. We find that the applicant's claim should have been fully allowed by giving him the benefit of the period of service rendered

by him as substitute Khallasi from 1958 onwards. This is because the respondents in the impugned letter, Annexure A-1 dated 14.12. 1994 had denied the benefit of continued service on the ground that there was a break between substitute service and regular service from 11.1.1966 to 25.8.1966. Now that the respondents have accepted the representation by over looking this break in service, there is no reason that they should confine the benefit from 1963 to 1966 and not from 1958 to 1966 as claimed by the applicant. (14)

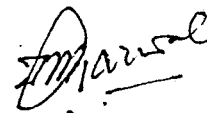
5. In regard to the payment of arrears of pay and revised retiral benefits, the learned counsel for the applicant putforth the claim for payment of interest @ 18%. We note that the applicant had filed his present OA only in 1996. We are, therefore, not inclined to grant ~~the relief~~ request for payment of interest on arrears, more so because the amount involved would be small while considerable calculation work would be involved. Instead, we propose to compensate the applicant in some measure by awarding him suitable costs.

6. In the result, the OA is allowed to the extent that the respondents will count the service rendered by the applicant from 1958 onwards as Khallasi as qualifying service for the fixation of his pension. This will be done within a period of 3 months from the receipt of this order and the arrears of pension will be paid to the applicant within one month. Needless to add that we expect the respondents to ensure early payment of differential on account of revised DCRG and commutation of pension, if not already ~~been~~ done.

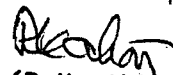
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7. The applicant would be entitled to cost which we calculate at Rupees two thousand only.



(K.M. Agarwal)
Chairman



(R.K. Ahooja)
Member (A)

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