

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2071/1994

New Delhi, this 12th day of October, 1995

Hon'ble Shri B.K. Singh, Member(A)

Natha Ram
s/o Shri Chunni Lal
140/2A, Gali No.38
Sadh Nagar II
Palam Colony, New Delhi-45
(By Shri P.L.Mimroth, Advocate) .. Applicant
Vs.

Union of India, through

1. General Manager
Northern Railway
Baroda House
New Delhi .. Respondents
2. The Divisional Railway Manager
Northern Railway
Allahabad .. Respondents

(By Shri Rajesh, Advocate)

ORDER (oral)

This OA is directed against the Order No. 769/Es/Pension/Oct.87 dated 10.9.90 passed by the Divisional Railway Manager, Allahabad, regarding non-payment of full pensionary benefits, DCRG and other retiral benefits to the applicant. The applicant was appointed as Cleaner on 16.10.1947 and his date of birth was recorded as 7.10.1929 as per the school leaving certificate given by him. After his retirement on 31.10.87, the respondents found that the entry of date of birth as given by the applicant was false and wrong and they referred the entire matter to the Government Examiner of Questioned Documents, Central Forensic Institutes, Calcutta. After examination of the entry, under U.V. rays by that Institute, it was

there were revealed that/marks of erasure at places and ~~the~~ alteration and addition of figures and words by overwriting over the original figures and words. The original entry of 'Date of Birth' when deciphered read as "Seventh August Nineteen Hundred Twenty eight 7.8.28" and on that basis the respondents found that the applicant had continued in service ~~for more than~~ beyond the age of superannuation.

2. During the course of the hearing, the learned counsel for the applicant stated that the applicant retired on 31.10.87 and he has got only provisional pension and GPF contribution, that too after three years of retirement. He urged that no departmental enquiry was launched during the four years and now that the applicant has retired nearly 7 years back, no departmental enquiry can be launched against him. He further argued that the applicant has served the railways till his date of retirement for 40 years.

3. The learned counsel for the applicant argued that reduction in pay of the applicant can not be effected without any show cause to the applicant. It is admitted that no departmental enquiry was launched against the applicant, when he was in service or within four years from the date of his retirement. As such the launching of departmental enquiry now is barred. The respondents are directed to serve show cause notice to the applicant, who will submit his reply/representation and the respondents will dispose of the same by a reasoned order. The respondents will take into consideration

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the relevant rules which forbid reduction in pension and launching of a D.E. after a lapse of more than seven years. It is admitted that the applicant had worked till 31.10.87. Equity and justice demand that a lenient view should be taken about the whole thing now because there has been a lapse on the part of the respondents in not verifying the fact of date of birth when the applicant was in service for a period of 40 years. The respondents are further directed to consider the question of payment of interest at the rate of 10% of the balance pension amount, DCRG and other benefits due to him. After the applicant files his representation, the same should be disposed of within a period of 3 months from the date of receipt of a certified copy of this judgement.

4. The OA is thus disposed of but without any order as to costs.


(B.K. Singh)
Member (A)
12.10.95

/gtv/