

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2184/94

(10)

New Delhi this the 23rd day of July, 1999

Hon'ble Shri V. Ramakrishnan, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

R.C.Budhiraja,
S/O Late Sh.K.R.Budhiraja
Retd. Loco Inspector, Jhansi Divn.
Central Railway, Jhansi.

R/O 80/IB, Malviya Nagar,
New Delhi-17

Applicant

(None for the applicant)

Versus

1. Union of India through the Secretary, Ministry of Railway (Railway Board), New Delhi.
2. The General Manager, Central Railway, Bombay V.T.

Respondents

(By Advocate Sh.O.P.Kshtriaya)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Shri O.P.Kshtriaya, learned counsel for the respondents has submitted that this case is similar to the facts and issues raised in other two OAs, namely, 1344/94 and 661/94, which had been disposed of by the Tribunal (PB) by a common order dated 31.1.96 along with other connected OAs.

2. We had called for the records in OA 1344/94 and OA 661/94 and perused the same.

3. The brief facts in this case are that the applicant has stated that due to serious injury he was prematurely retired from service w.e.f. 18.7.91 as Loco Inspector. His grievance is that the Scheme introduced by the respondents ~~which~~ relates to an artificial cut off date regarding allowances and retirement made benefits to Loco Inspectors and other grades for which he had a representation, ^{which} ~~which~~ ^{whose} has not been adhered to by the respondents. In the relief, the applicant has submitted that cut off date given

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in para 5.5 of the Scheme issued by the respondents on 25.11.92 is arbitrary and the Scheme should be liberalised to cover those persons who have retired prior to this date, in which case he would be entitled to the benefits of running allowances including additional benefits worked out @ 30% of basic pay.

4. We find from a perusal of the order of the Tribunal dated 31.1.96 in OA 2501/93 with connected OAs that this very issue has already been dealt with in respect of the same category of persons working with the Railways. The Tribunal, following the judgement of the Supreme Court in UOI Vs. P.N. Menon (1994(4)SCC 68), has come to the conclusion that there is no merit in the OAs and had dismissed the same; in particular they have held that whenever a New Scheme is launched as in the present case there has to be a cut off date and such a cut off date should not be interfered with unless it has been chosen entirely because of irrational and subjective considerations. It was further held that the Scheme was neither arbitrary nor violative of Articles 14 and 16 of the Constitution.

5. In the light of what has been stated above, the Tribunal's order dated 31.1.1996 is fully applicable in the facts of the present case. We do not find any good grounds to interfere in this matter and the same is accordingly dismissed. No order as to costs.

Lakshmi

(Smt. Lakshmi Swaminathan)
Member (J)

Ramakrishnan

(V. Ramakrishnan)
Vice Chairman (A)

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