

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1254/2000

(31)

This the 31st day of July, 2002

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HON'BLE SH. KULDIP SINGH, MEMBER (J)

Hansraj S/o Shri Birjban Lal
Aged 63 years
Retd. Sr. Loco Inspector
Jhansi Division, Central Railway,

R/o C-11A, Ram Dutt Enclave
Uttam Nagar, New Delhi.
(By Advocate: Sh. K.N.R.Pillai)

.. Applicant

Versus

Union of India, through :

1. The General Manager
Central Railway
Mumbai V.T.
2. The Divisional Ry. Manager
Central Railway
Jhansi.
(By Advocate: Sh. R.L.Dhawan)

.. Respondents

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant had filed this OA seeking the following reliefs:

- i) A direction to the respondents to revise the applicant's PPO and make payments of DCRG, commutation value and Leave Salary as worked out in their letter dated 19/20.3.1998 at Annexure A.XV and return to him the amount of Rs.51,285/- deducted at the time of his retirement, with interest in all these items at 18% p.a. from the date of retirement to the date of actual payment.
- ii) For the harassment caused to the applicant who has been made to undertake three rounds of litigation and a substantial amount of his

(Arv)

retirement benefits wrongfully withheld from him and also a cut of Rs.51,285/- from his DCRG imposed, thus forcing him to be on a hand to mouth existence for all these years, penal costs may be awarded.

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iii) Any other relief which the Hon'ble Tribunal may consider fit and proper in the circumstances of the case.

2. The OA is being opposed by the respondents. When the arguments were opened the counsel for the applicant pointed out that as per Annexure A-7 dated 20.6.89 it deals with the joint representation of stepping up of pay at par with G.D.Singh i.e. @ Rs.2375-3500 and their pay has been fixed at Rs.2825/- on 11.9.86 and further advanced to Rs.2975/- from 1.9.88. In the joint application there were other candidates also alongwith applicant and applicant's name appear at Sl.21. Some other persons whose name appear in the said list had filed a separate OA which was registered as OA-69/98, 24/98 and 106/98. In OA-106/98 there are 3 persons, namely, R.S.Jolly, S.P.Pathak and B.R.Kapoor whose name appeared respectively at Sl. No.30, 26 and 16 and OA within their case has been allowed with the following directions:-

"In the result, in the interest of justice the impugned order No.21/97 dated 21.7.97 in all the three applications is quashed and set aside, leaving it open to the respondents to take appropriate decision in accordance with law, subject to the observations made above."

3. Applicant is also similarly place person and in case of the applicant the order which was passed with regard to his pay is reflected in the order dated 5.8.98 whereby the respondents have fixed the pay of the applicant in a different

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manner than as claimed by the applicant. So in view of the judgment given in OA-69/98 I find that the applicant is also entitled to the same treatment. So in the circumstances the order fixing the pay of the applicant earlier is quashed and set aside and it is left open to the respondents to take appropriate decision in accordance with law subject to observation made in OA-69/98.


(KULDIP SINGH)
Member (J)

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