

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01100/2014

HYDERABAD, this the 22nd day of October, 2020



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Shri Krishnaiah S/o Ramaiah,
Aged 60Yrs., Retd., KeyMan, S.C.Rly,
H.No.6-7-65/1/A, Nethaji Nagar,
Rangareddy, Hyderabad.

...Applicant

(By Advocate : Mr. G.S.Rao)

Vs.

UOI rep by its,

1. The General Manager (P),
S.C. Railway, 4th Floor, Railnilayam,
Secunderabad.
2. The Divisional Railway Manager (P),
S.C. Railway, Hyderabad Division,
Secunderabad.
3. The Divisional Financial and Accounts Manager,
S.C. Railway, Hyderabad Divisions, Hyderabad.
4. The Senior Divisional Engineer (Co-Ord),
S.C. Railway, Hyderabad Division,
Secunderabad.

....Respondents

(By Advocate : Mr. V.V.N.Narasimham, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed in regard to fixation of pension after completion of the punishment period.

3. Applicant while working as Gangman in the respondents organization was proceeded on disciplinary grounds and imposed the penalty of compulsory retirement w.e.f. 5.5.2008. On appeal, penalty was reduced on 19.6.2008, from compulsory retirement to that of reduction to the post of Jr. Trackman in the scale of pay of Rs.2610- 3540 with pay fixed as Rs.2610 for a period of 6 years and with no effect on postponing of the future increments. Applicant was due to retire in 5 years and hence, the modified penalty would adversely affect the pension of the applicant. Hence, a revision petition was filed on 22.8.2008 requesting for restoration of the original pay on the date of retirement. Revision authority revised the penalty to reduction in pay to Rs.2610 for a period of 5 Years 8 months with no effect on the postponement of future increments on 16.5.2014. Applicant retired on 30.6.2014 without re-fixation of the penalty as per the orders of the revision authority and therefore, the OA.

4. The contentions of the applicant are that the Railway Board vide its order in RBE No. 48/101 dated 31.3.2010 instructed the appellate/ revision authorities to dispose of representations in regard to penalties imposing reduction of pay by keeping in view the monetary loss incurred by the

employees in the context of 5th /6th CPC recommendations. Therefore, though the revision authority has reduced the penalty to 5 years 8 months, the concerned authorities have not given effect to the modified penalty. Applicant has put in 30 years of service and even ACP/MACP benefits were not extended.



5. Heard both the counsel and perused the pleadings on record. The OA was filed in 2014 and the applicant retired in June 2014. He has been praying for fixation of pension based on the orders of the revision authority. Till date, respondents have not filed the reply statement though several opportunities were given to the respondents to file the reply. 6 years have lapsed without the pension of the applicant not being revised, which we understand would be hard on the applicant. Further, considering the fact that applicant is a senior citizen and the issue involved is only implementation of the order of the revision authority, the case was heard with the consent of both the counsel.

6. I. The dispute is about not implementing the order of the revision authority. Applicant while working as Gangman was framed under disciplinary rules and issued a major penalty proceeding which resulted in compulsory retirement of the applicant w.e.f. 5.5.2008. On appeal, penalty was reduced on 19.6.2008, from compulsory retirement to that of reduction to the post of Jr. Trackman in the scale of pay of Rs.2610- 3540 with pay fixed as Rs.2610 for a period of 6 years and with no effect on postponing of the future increments. Applicant was due to retire in 5 years and since his pension would be adversely effected, applicant preferred revision petition to review the penalty keeping in view the Railway Board order dated

31.3.2010. Revisioning authority vide order dt.16.05.2014 reduced the penalty of reduction from 6 years to 5 years 8 months with no effect on postponing of future increments, which was not given effect to by the competent authority. In the meanwhile, applicant retired from service on 30.6.2014.



II. Considering the facts of the case, respondents are directed to consider refixing the pension of the applicant from the date due based on the orders of the revision authority dated 16.5.2014. Arrears of pension and other eligible consequential benefits are to be worked out and released in accordance with rules and law. Time allowed to implement the judgment is 3 months from the date of receipt of this order.

III. With the above direction, the OA is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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