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**Central Administrative Tribunal
Principal Bench**

**OA No. 118/2004
MA 1285/2008**

New Delhi this the 22nd day of October, 2008

**Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)**

1. Kundan Lal S/o Shri Sukh Dayal,
Ex-Loco Inspector, R/o 82, Anand Vihar,
Kuldip Nagar, Nanhera Road, Amabala
Cantt.
2. Chaman Lal S/o Shri Piare Lal,
Ex-Senior Loco Inspector, 534-35/A,
Regiment Bazar, Ambala Cantt
3. Naranjan Singh S/o Sh. Nishant Singh,
Ex-Senior Loco Inspector,
R/o 44-C, Sundernagar near DRM Office
Complex, Ambala Cantt
4. Om Prakash, S/o Sh. Ram Lal,
Ex-Senior Fuel Inspector,
R/o 10, Guru Arjan nagar,
Saharanpur
5. Nirmaljit Singh, S/o Sh. Mangal Singh
Ex-FOR, R/o B-41, near Jogata Khalsa,
Gurudwara, Saharanpur
6. Gurjit Singh S/o Sh. Jai Singh,
Ex-Loco Inspector, R/o H.No.554/B
Gali No.9, Main Bazar, Partap Nagar,
Bhatinda
7. Sunder singh S/o Sh. Moti Singh,
Ex-Senior Loco Inspector, R/o 2958/1,
Sector 42-C, Chandigarh. -Applicants.

(By Advocate: Shri BS Mainee with Mrs. Meenu Mainee)

-V E R S U S-

1. Union of India, through the
Chairman, Railway Board, Ministry of

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Railway, Rail Bhawan, New Delhi

2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Divisional Railway Manager,
Northern Railway, Ambala Division,
Ambala

-Respondents.

(By Advocate: Shri Shailendra Tiwary)

O R D E R (Oral)

Shri Shanker Raju, Member (J)

After hearing the counsel, it is no more res integra that running allowances has to be treated as part of the fixation not only of the pay but also of the pension, which is settled by the High Court in WP(C) 8363/2007 in **Union of India & Ors. Vs. Shri R.D. Dixit & Ors.**

2. One of the contentions put forth by the respondents that Railway Board's notification dated 25.11.1992 has also been taken care of. In such view of the matter, we are of the considered view that the applicant's case is in all fours covered by the dicta of the High Court, which is binding on us. Accordingly, OA is allowed. Respondents are directed to implement notification dated 25.11.1992 in respect of the applicants, who since retired by considering their pay 55 and 77% as running allowances as part of the pay and average emoluments with all consequences to be paid within two months from the date of receipt of a copy of this order. This

order shall not be applicable in respect of applicants No.2 and applicant No.5 for which, we accord liberty to the applicants to move appropriate proceeding, including a fresh OA to raise their grievance. No costs.

Chhotray
(Veena Chhotray)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

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