

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

5

OA No. 850/92

Date of decision: 22.01.93

Sh. K.L. Raghavan

Applicant

Versus

Union of India

Respondents

Sh. R.K. Kamal

Counsel for the applicant

Sh. H.K. Gangwani

Counsel for the respondents

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement? Yes
2. To be referred to the Reporters or not? Yes

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N. Dhoundiyal,
Member (A))

This OA has been filed by Sh. K.L. Raghavan, a retired Inspector of Works, Cuttack, South Eastern Railway, praying for extension of the benefits of this Tribunal's judgement dated 21.2.92 in OA No. 617/87 in case of his similarly situated colleagues and grant of post retirement complementary free passes to which he is entitled.

2. The applicant was working as Inspector of Works, Cuttack, South Eastern Railway, when he was retired in public interest under orders dated 14.5.86 with retrospective effect from 20.11.82. Thereafter, he was absorbed in Rail India Technical and Economic Services Limited (RITES). According to the applicant, the retrospective effect given to his resignation from Railway Service is detrimental to his interests, because thereby he has been deprived of the revision of pay scales and liberalised retirement benefits applicable from

Av

1.1.86 as a result of the recommendations of the Fourth Pay Commission. He is entitled to two sets of post-retirement free complementary Railway pass in every calendar year after retirement from the Railway. In spite of his representation, this pass has not been issued to him by the respondent No.2.

3. The respondents have stated that Sh. Raghavan was deputed to work in RITES on 20.11.79 and after the expiry of prescribed three years and after receipt of the necessary declaration from him, he was deemed to have retired from Railway service from 20.11.82 vide order dated 14.5.86. He filed an OA No. 67/91 for settlement of his dues from 20.11.82 and later these were paid to him taking into account his date of retirement from Railway with effect from 20.11.82.

4. We have gone through the records of the case and heard the learned counsel for both parties. In Judgement dated 21.2.92 (OA 617/87); R.L. Bangia Vs. U.O.I, which also related to absorption in RITES with retrospective effect, this Tribunal had issued the following directions:-

"Consequently, we allow these OAs and direct the respondents that the resignations accepted shall be deemed to be operative only from their date of the actual acceptance of the resignations and not retrospectively. This order of the retrospective operation of the impugned orders is being quashed and the respondents are directed to consider the applicants for permanent absorption in the RITES only after the actual date of acceptance of their resignation from the parent department and give them all the consequential benefits including pay

Ar

fixation promotion in accordance with rules and arrears of pay and allowances together with simple interest at the rate of 12% per annum till the date of absorption in the RITES. We, further, direct the respondents to comply with these directions within a period of three months from the date of receipt of a copy of this judgement. The parties in the facts and circumstances of the case, shall bear their own costs."

5. In the aforesaid judgement, the Tribunal referred to the earlier judgements in the case of J. Sharan Vs. Union of India, S.K. Sharma Vs. Union of India and P.M. Sreedharan Vs. Union of India.

6. The respondents have stated that SLP have been filed against the judgement of the Tribunal in Bangia's case. In our opinion, even though the applicant may have himself opted for an early retirement, once the matter has been agitated by his similarly situated colleagues and a definitive judgement has been given, it is necessary that he is also given the same treatment. It has been held that the benefit of such judgements should be extended automatically to similarly situated persons so that every employee is not forced to come to the Court for this purpose. As regards issue of passes, the learned counsel for the respondents fairly stated that the passes would be issued regularly to the applicant.

7. The application is, therefore, disposed of with the following directions :-

(i) The respondents are directed to extend the benefits of the judgement of this Tribunal in Bangia's case

AN

8

to the applicant. He should also be treated at par with his colleagues in terms of re-fixation of pay and allowances as well as pension. This shall be complied with expeditiously and preferably within a period of three months from the date of communication of this order.

(ii) The applicant shall be issued Railway Passes as provided under the Rules for retired personnel and those for the current year shall be issued to him within one month from the date of receipt of this order.

There will be no order as to costs.

B.N. Dhundiyal
(B.N. Dhundiyal) 22(1)93

Member (A)

end
22/1/93
(P.K. Kartha)

Vice Chairman (J)

sn190193