

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 693 of 1996

Allahabad this the 17th day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Sri Kanhia Lal Son of Late Sri Banchi Ram, Mohalla-Phulwaria(Saraiya), P.O.Phulwaria District Varanasi(U.P.).
2. Singhasan Singh, Son of Late Sri Badri Singh C/o Sri Kanhai Lal R/o Village & P.O. Phulwaria (Saraiya), District Varanasi(U.P.)
3. Sri S.N. Sahi Son of Late Sri Babban Sahi C/o Sri S.K. Sahi, Village & P.O. - Phulwaria(Saraiya) District Varanasi(U.P.)
4. Late B.D. Singh S/o Late Sri Nepal Singh, Village-Dihawa, P.O.Barunapuri(Phulwaria), District Varanasi (U.P.) through his wife Mrs.A. Singh.
5. Sri Trilok Chand Son of Late Sri S.P. Chand C/o Sri S.K. Sahai Vill and P.O. Phulwaria(Saraiya) Distt.Varanasi(U.P.)
6. Sri S.K. Sahi, Son of Late Sri C.P. Sahi, Vill. & P.O. Phulwaria(Saraiya), Distt.Varanasi(U.P.)
7. Sri Ram Naresh, Son of Late Sri J.N. Prasad, D-59/ 352-Kh-1, Jai Prakash Nagar, P.O. Manduadih, District Varanasi(U.P.)
8. Sri Kalloo Ram Son of Late Sri Gopi Nath Village Rakhowna, P.O. Raja Talab, District Varanasi(U.P.)
89. Vishwa Nath Mishra S/o Sri Chhakan Mishra, R/o Vill.Echouna, P.O. Salempur, Distt.Deoria(U.P.)

By Advocate Shri S.K. Mishra

S.K.M.

1. Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, N.E. Railways, Varanasi.
3. Senior D.P.O., N.E. Railways Varanasi Division, Varanasi.

By Advocate Shri Prashant Mathur

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicants nine in number have come up seeking relief to the effect that the respondents be directed to re-fix their retiral benefits giving benefit of running allowance at the rate of 75% of the pay and arrears be paid.

2. As per their cases, the applicants have been paid the retiral benefits including Pension, D.C.R.G. etc. with reduced rate of running allowances at the rate of 55%, whereas they are entitled for running allowance at the rate of 75% of the basic pay, and the same benefit should also have been allowed to them in their pension and other retiral benefits.

3. The applicants have pleaded in O.A. that all the nine applicants worked and retired as Drivers in various grades in various divisions, and retired as per their superannuations. They were allowed only 55% of the basic pay as running allowance whereas under the provisions as incorporated in Rule 507, 1302(5) provision (ii) 1309 provisø (4) and Rules 2003 provision(ii) of Indian Railway Establishment Code Vol.I and Vol.II, they were entitled to have minimum of 75% of the basic pay.

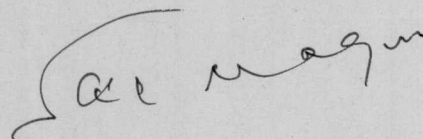
4. The respondents have contested the case and filed the counter-reply.

5. Heard the learned counsel for the parties and perused the record.

6. Learned counsel for the applicants opened his arguments with the mention that after long ^{legal} battle in this regard, now the matter has been finally settled and brought to rest as per decision reported in J.T.1997 (7)S.C.180 Chairman Railway Board and Others Vs.C.R.Ranga-dhamaiah and Others, wherein the Hon'ble Judges at Supreme Court upheld the claim of the running staff for 75% running allowance and thereby the applicants also become entitled to it.

7. Perused the referred verdict by the Apex Court and also pleadings from either side, and I find that the referred law is squarely applicable in the present matter, making the applicants entitled to 75% of their basic pay as running allowance. The respondents are accordingly directed to re-calculate and fix their retiral benefits within ^(Two) 2 months from the date of communication of this order and ensure the arrears, if any ~~yr-~~ comes out after due calculation, be paid within two months thereafter, and if not so paid within the stipulated time, the applicants shall become entitled to interest at the rate of 18% per annum. The O.A. stands disposed of accordingly. No cost.

a
No 88/01
Review allowed
vide order dated
24.9.03



Member (J)