

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 28th day of March 2001.

Original Application no. 874 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Member-J
Hon'ble Maj Gen KK Srivastava, Member+A

Radhey Mohan Lal Srivastava,
S/o Late L.P. Srivastava,
Vill Banauli,
Post Office 1 Bhainsala,
Distt. Gorakhpur (UP).

... Applicant

C/A Sri Shesh Kumar

Versus

1. Union of India through the Chairman,
Railway Board,
NEW DELHI.
2. General Manager (P),
N.E. Rly.,
GORAKHPUR.
3. Chief Signal & Telecom Engineer,
N.E. Rly.,
GORAKHPUR.

... Respondents

C/Rs Sri V.K. Goel

...2/-

S/Gen

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O R D E R(Oral)

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

The applicant has come up seeking relief to the effect that the respondents be directed to provide the benefit of restructuring w.e.f. 01.03.1993 by treating the petitioner in pay scale of Rs. 1400 - 2300 and pensionary benefit and post retiral benefit may also be paid accordingly. He has also prayed to set aside the order dated 11.08.95 (09.08.95), copy of which has been annexed as annexure A-1 to the OA.

According to ^{This order} ~~See~~ his prayer for benefit of restructuring was refused on the ground that the implementation of the order took place with effect from 13.08.95 whereas the applicant had already retired on 31.05.95. Learned counsel for the applicant referred Railway Board's circular dated 27.01.1993, copy of which has been annexed as annexure A-3. Para 11 of the same is relevant to the present controversy which runs as under :-

"Retired Employees. 11. Employees who retired/resign in between the period from 1.3.93. ie. the date of effect of this restructuring to the date of actual implementation of these orders, will be eligible for the fixation benefits and arrears under these orders w.e.f. 1.3.93"

2. There is an objection form the side of the respondents that the relief sought for is barred by period of limitation. We gave a thoughtful consideration

See

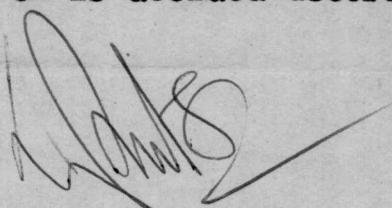
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to this plea and find that the impugned order is of August 1995, and it appears that the year 1993 is typographical error, and the OA has been filed on 9.8.96 and, thereby does not come within mischief of limitation.

3. With the above position we find that the matter needs reconsideration by the competent authority in respondents establishment ~~and~~ to pass a fresh order within 3 months from the date of communication of this order taking into consideration the above referred provision in the Railway Board's letter dated 27.01.1993. If the applicant is found entitled to any benefit the same be provided within two months, thereafter.

4. In case the applicant is found not entitled to any benefit, a reasoned, speaking and detailed order be passed. The OA is decided accordingly. No order as to costs.



Member-A



Member-J

/pc/