IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 23rd day of May, 1997

Review Application No.62 of 1997

In

Original Application No.417 of 1995

CORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

1. Union of India through General Manager
   Northern Railway, Headquarters Office,
   New Delhi.
2. The Divisional Railway Manager,
   Northern Railway, ~~Headquarters~~
   Moradabad Division, Moradabad.

(By Sri AK Gaur, Advocate)

. . . . . Applicants

Versus

Prem Shanker Khanna s/o Late Ganga Sahai Khanna, Ex-Guard 'A' Spl.HQs Lucknow Moradabad Division, resident of C-166 Indira Nagar, Lucknow.

. . . . . Respondents

O R D E R

By Hon'ble Mr. S. Das Gupta, A.M.

Through this application, the respondents in OA No.417 of 1995 seek review of the judgement and order dated 13-2-1997 passed by the Single Member Bench of this Tribunal disposing of the application with certain directions to the respondents.

2. By the aforesaid order dated 13-2-1997 a bunch of applications including OA No.417 of 1995 were disposed of. In all these applications, the

grievance of the applicants was that for the purposes of their pension and other retiral benefits, only 55% of the running allowance was being taken into reckoning instead of 75% of such allowance as was admissible to them in terms of Rule 2544 of Indian Railway Establishment Code (Volume-II). A bench of the Tribunal relying upon the decision of the Full Bench in C.R. Rangadhamaiah's case, disposed of the applications with the direction to the respondents to make payment of pension and other retiral benefits in accordance with the directions contained in C.R. Rangadhamaiah's case subject to the same being regulated/adjusted in accordance with the directions as may be given by the Hon'ble Supreme Court in SLP No.10373 of 1990 against the decision of Ernakulam Bench of the Tribunal.

3. The respondents in the aforesaid bunch of applications brought out that in subsequent Special Leave Petition filed against the decision in the case of Bismillah & Others Vs. UOI & Ors, the Hon'ble Supreme Court had on 25-11-1994 stayed the operation of the decision of the Allahabad Bench of the Tribunal rendered on 28-1-1994 in OA No.623 of 1990. Since, however, there was no submission that the decision of the Full Bench in C.R. Rangadhamaih's casehad also been stayed by the Hon'ble Supreme Court, the aforesaid order disposing of the bunch of applications was passed.

4. The respondents have now brought out in their review application that even before the aforesaid judgement and order was passed, a SLP had been filed against the judgement delivered by the Full Bench in C.R. Rangadhamaih's case and the said SLP was connected

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with SLP No. 10373 of 1990 preferred against the judgement of the Ernakulam Bench of the Tribunal. It has also been brought out that the Hon'ble Supreme Court by an order dated 22-4-1994 had passed an interim order staying the decision in C.R. Rangadhamaih's case. The respondents have also annexed a copy of the relevant orders of the Hon'ble Supreme Court.

5. The Tribunal while disposing of the bunch of applications including OA No. 417 of 1995 had assumed that there is no stay order by the Hon'ble Supreme Court against the Full Bench decision in R.C. Rangadhamaih case, as no such order was brought out to its notice. Now that the matter has been brought to the notice, the order which was passed on the basis of C.R. Rangadhamaih's decision cannot be given effect to until the SLP is ~~dismissed~~ decided. The order cannot be reviewed at this stage since the Hon'ble Supreme Court had not set aside the decision of the Full Bench in C.R. Rangadhamaih's case. If that is eventually done, the order dated 13-2-1997 will have to be recalled. At this stage the review application is being disposed of with a direction that the Tribunal's order dated 13-2-1997 shall remain stayed until further orders. Either of the parties, on a final decision being given by the Hon'ble Supreme Court in the SLP may move an appropriate application either for recall of the order dated 13-2-1997 or to recall the order of stay depending on the decision in the SLP.

Member (A)

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