

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 24th day of September 2003.

Review Application no. 88 of 2001
in
Original Application no. 693 of 1996.

Hon'ble Maj Gen K K Srivastava, Member (A).

Union of India through Chairman,
Railway Board,
New Delhi & Ors.

By Adv : Sri P Mathur

Versus

Kanhai Lal & nine others

...Applicants/
Respondents

... Respondents/
Applicants

By Adv : Sri S K Mishra

O R D E R

By Maj Gen K K Srivastava, AM.

This review application has been filed for review of the order dated 17.5.2001 passed in OA no. 693/96. By order dated 3.12.2001, the respondents (applicants in OA no. 693/96) were given 02 weeks time for filing CA. The case was listed on different dates in between and no CA was filed. However, in the interest of justice, respondents were given last opportunity by order dated 14.8.2003 three weeks time for filing CA. I find that no CA has been filed till today.

2. Learned counsel for the applicants (respondents in OA no. 693/96) have placed on record the judgment of Hon'ble Supreme Court in case of Chairman Railway Board & Ors Vs. C.R. Rangadhamaiyah & Ors, (1997) 6 SCC 623. The judgment of Hon'ble Supreme Court has been taken as the basis for passing the order dated 17.5.2001, which is sought for review.

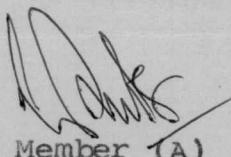
2.

3. The learned counsel for the review applicants invited my attention to the judgment of Hon'ble supreme Court referred to above and submitted that the Hon'ble Supreme Court has given the cut off date as 5.12.1988 and for claiming relief of running allowances only those persons are entitled who retired after 1.1.1973 but before 5.12.1988 as indicated in para 34 (b) of the judgment. Learned counsel for the applicant also submitted that all those applicants who retired within this period have already been given the necessary benefits.

4. I have perused the judgment of Apex Court and in view of the judgment of Apex Court, para 7 of the order dated 17.5.2001 passed in OA no. 693 of 1996 is modified as under :-

"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 the retiral benefits of all those applicants who retired within 1.1.1973 to 5.12.1988 within two months from the date of communication of this order and ensure the arrears, if any comes out after due calculation, be paid within two months thereafter, and if not so paid within the stripulated time, the applicants shall become entitled to interest at the rate of 18% per annum. The O.A. stands disposed of accordingly. No cost."

5. The review application no. 88 of 2001 is decided accordingly.


Member (A)

/pc/