

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This The 1ST Day of APRIL, 2005.

Original Application no. 1366 of 2004.

Hon'ble Mr. D.R. Tiwari, Member (A)
Hon'ble Mr. K.B.S. Rajan, Member (J)

(Om Prakash) O.P. Saxena, Retd.
Assistant Land Control Inspector,
S/o Sri Shyam Sunder Lal,
R/o Village & Post Mahava,
District Kheri (Lakhimpur) U.P.

....Applicant

By Adv : Sri H.C. Shukla.

V E R S U S

1. Union of India through Secretary, Railway Board,
241, Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Moradabad.

...Respondents

By Adv : Sri A.K. Gaur.

O R D E R

By K.B.S. Rajan, Member-J

The applicant is aggrieved on account of alleged incorrect fixation of monthly pension under wrong designation as contained in PPO dated 26.5.2003 (Annexure -1 impugned). He has, therefore,



prayed for a direction to the respondents to pay him the retrial benefits in terms of his appointment as Asstt. Land Control Inspector/Surveyor in the scale of pay of Rs. 5000-8000/- at Rs. 6350/- as last pay drawn.

2. Brief facts of the case as narrated by the applicant are as under:-

(a) The applicant entered the services of the respondents as Substitute Electric Khalasi in the Grade of Rs. 70-85/- in the year 1965. Where after, he was promoted as Electrical Fireman. In 1977, he was promoted as Asstt. Pump Engine Driver in the scale of Rs. 210-260/-, followed by his appointment as Patwari Clerk in the Land Management Cell in the grade of Rs. 260-400/- . In 1982, the applicant was promoted as 'Kanoongo Clerk' and thereafter he was appointed to officiate as Asstt. Land Control Inspector/Surveyor in the scale of Rs. 1400-2300/-. This post, the applicant contends, was held by him till his superannuation, which was on 31.12.2003.

(b) The applicant submits that on the last day of his service, he was drawing Rs. 6350/- in the scale of Pay of Rs. 5000-8000/-

(c) When the applicant was issued with PPO dated 26.5.2003, he could find his designation only as Clerk (Kanoongo) as against Asstt. Land Control Inspector/Surveyor. Further,



instead of the pension amount being reflected as Rs. 3040/-, he found his pension at the rate of Rs. 2882/- P.M.

(d) The above PPO forced the applicant to pen a detailed representation dated 15.7.2003 chased by reminder dated 8.9.2003. The respondents having not responded to the legitimate representation, the applicant has moved the O.A. on various grounds as contained in para 5 and with the prayer as precisely in para 1 stated hereinabove and compressively described in para 8 of the O.A.

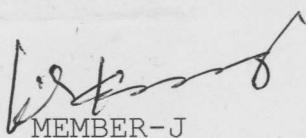
3. The respondents have not filed any Counter but made their submission through the arguments of their counsel. The case was heard on the basis of available pleadings when the counsel for the parties presented their versions.

4. The counsel for the applicant has invited our attention to Annexure A-11 which is a Supplementary bill issued as late as 25.4.2003, i.e. posterior to the date of retirement of the applicant. In this Supplementary bill, it has been clearly reflected that the pay of the applicant was raised from 6200/- to Rs. 6350/- w.e.f. 1.1.2003 and that his designation has been clearly shown as ALCI. Similarly Annexure A-12 is a copy of the passes issued to the applicant clearly indicating his designation as ALCI.

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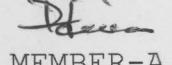
5. From the above, it is crystal clear, that the applicant had been holding the post of ALCI on the date of his retirement as on 31.12.2003 and his pay on the date of his retirement was Rs. 6350/-. Under these circumstance, there is no reason to deny the applicant the terminal benefits on the basis of his last pay drawn as Asstt. Land & Control Inspector.

6. In view of the above, the O.A. is allowed. Respondents are directed to work out the monthly pension and other terminal benefits to which the applicant is entitled in his capacity as a retired ALCI with his last pay drawn as Rs. 6350/- The arrears of pay and allowances should be made available to the applicant within a period of four months from the date of receipt of copy of this order. As regards costs, we were inclined to award the same but due to the sincere pleadings of counsel for the respondents at the time of hearing, we make no order as to costs.



MEMBER-J

GIRISH/-



MEMBER-A