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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH,

ALLAHABAD.

O.A. No. 138/86

Megh Nath Applicant.

Vs.

Union of India

(G.M.N. Rly.) Respondents.

Hon'ble Mr. Mahaj Din, Member (J)

This is an application under section 19 of the Administrative Tribunal Act in which the prayer has been made that the respondent be directed to pay the balance of amount of gratuity and also be give the benefit of full pension taking into account the salary of the applicant on the post of Mate.

2. The applicant was appointed as a Gangman in Northern Railway, Manpuri. He was promoted to the post of Keyman in the scale of Rs 210-270/-.

^{ed} ~~on~~ He has claim ^{ed} to have been further promoted to the post of Mate in the scale of Rs 260-430/-. The applicant sought voluntary retirement and he retired on 31.8.1984. The applicant was paid gratuity and is getting pension according to pay scale which he was getting as a Keyman. Now the applicant has claimed that he should be treated to have retired as a Mate in the pay scale of Rs 260-430 and has prayed to get the difference of the amount of gratuity as well as the enhancement of the amount of his pension.

3. The respondent file reply and opposed the application interalia on the ground that the applicant had retired as ^Key-man and an amount of gratuity as well as the pension has been settled

[Signature]

and paid, according to the pay scale which he was getting as a Key-man.

4. I have heard the learned counsels of for the parties and perused the record of the case.

5. The applicant sought the voluntary retirement which has been accepted by the respondents and he retired from the service with effect from 31.8.1984, as would appear from Annexure No. A 1. The applicant has stated that he was promoted as a Mate and worked on that post on ^{Ad-hoc} basis. This fact is denied by the respondents. The applicant has not produced any evidence to show that he was promoted and worked on the post of Mate. On the contrary it is evident from the applicant own document annexed with the amendment application (service certificate) that he retired on 31.8.1984 as a Key-man.

6. The applicant in his application has stated that Dhanpati Singh, Tilak Singh, Chandrapal and Gays Prasad were junior to him and they were promoted from the post of Key Man to post of Mate. The respondents in para no. 9 of their counter reply have denied this fact and have stated that Dhanpati were promoted on the post of Key-man on 26.6.1971, Tilak Singh was promoted as Key-man on 16.4.1974 and Chandra Pal was promoted as Key-Man on 15.4.73. It is further stated that Gaya Prasad was also promoted as Key-Man long before the petitioner and he has been retired from the service as a permanent way Mistry. The applicant was promoted as Key-Man on 28.7.1981 (Annexure No. 1 to the petition), so the applicant was far junior to the person named above. Thus the assertion of the applicant that his juniors were promoted to Mate over him is false and incorrect.

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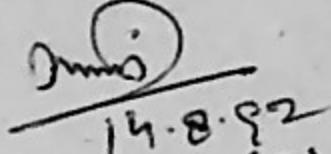
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7. It is evident from the documentary evidence filed by the applicant himself that he retired from the post of Key-Man and ^{the} ~~an~~ amount of gratuity and pension was accordingly calculated, according to the last pay drawn by the applicant.

8. Thus in view of the discussion made above, we find that there is no merit in the case of the applicant. The application is accordingly dismissed with no order as to costs.

Dated:-

(P.M)


14.8.92
Member (J)