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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 7th day of June, 2001.

Original Application No. 304 of 1993.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

1. Smt. Aiyasha W/o Late Haneef

2. Mohd. Shameem S/o Late Haneef

3. Mohd. Lateef S/o Late Haneef

All residents of Vill- Mahewa Kalan,

Post-Nahwai District- Allahabad.

(Sri Anil Dwivedi/Satish Dwivedi, Advocate)

. ; Applicants

Versus

1. Union of India through the General Manager,
Northern Railways, Allahabad.

2. The Divisional Railway Manager,
Northern Railways, Allahabad.

3. The Divisional Personnel Officer,
Northern Railways, Allahabad.

(Sri Avnish Tripathi, Advocate)

. Respondents

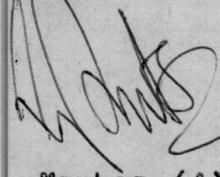
ORDER (oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

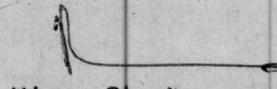
By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to fix pension of the applicant in accordance with new pay scale of IInd Shunting Master i.e. Rs.1400-2000 and he be paid arrears of difference of amount of pension w.e.f. 11-4-1986 with interest @ 18% p.a. In the counter affidavit the respondents have pleaded that the pension of the applicant

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has rightly been fixed. The emoluments, for calculation of pension before retirement, was drawn from 2-12-1984 to 18-10-1985, as the applicant was on leave without pay from 19-10-1985 to 10-4-1986. To verify the correctness of the aforesaid statement we directed learned counsel for the respondents to produce the leave account and service book of the applicant vide order dated 29-5-2001. All the documents have been placed before us. From the leave account it is clear that the applicant was on leave without pay from 19-10-1985 to 10-4-1986 i.e. 176 days. Thus, the last pay drawn for the purposes of calculating pension could be taken from the preceding 10 months before 19-10-85. We do not find any error in fixing pension. The applicant is not entitled for any relief. The DA is accordingly dismissed. There shall be no order as to costs.



Member (A)



Vice Chairman

Dube/