

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

DATED: THIS THE 15TH DAY OF OCTOBER 1997

CORAM: Single Member bench of Hon'ble Mr. S. Das Gupta AM

ORIGINAL APPLICATION NO. 1006/95

Gaya Deen Sharma s/o Shiv Mangal,  
retired Driver, Loco Shed, Northern  
Railway, Pratapgarh, resident of  
125/66E, Ram Nagar, Nai Basti, Naini,  
Allahabad. .- - - - - Petitioner

C/A Sri Rakesh Verma

Versus

1. Union of India through the  
General Manager, Northern Railway,  
Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Lucknow- - - - - Respondents

C/R Sri A. Sthalakar

ORDER

By Hon'ble Mr. S. Das Gupta AM

The applicant was a Driver at the time of his retirement on 31.1.1977. The category of Driver is included in the category of Running staff and as per the extant rules, such category of staff were entitled to addition of 75 percent of Running allowance to the basic pay for various purposes including computation of retiral benefits. By a subsequent order, the element of Running allowance which was

56

to be added to the basic pay was reduced to 55 percent. The applicant now seeks relief of his monthly pension and other retiral benefits, being calculated after taking into account 75 percent of the Running allowance as element of pay and to be paid arrears on this basis w.e.f. 1.2.1977.

2. The controversy in this case was concluded by the decision of full bench of the Tribunal in the case of C.R.Rangadhamaiah and others versus Union of India. The full bench held that the subsequent amendment will not operate retrospectively and those who retired prior to the issuance of the amendment letter dated 5.1.1988 shall be entitled to have their retiral benefits calculated taking into account 75 percent of the Running allowance as the element of pay. This decision was subsequently challenged by the Railway by filing S.L.P. before the Hon'ble Supreme court. The Hon'ble Supreme court has since affirmed the decision of the full bench as aforesaid.

3. As there is no dispute that the applicant had retired prior to the issuance of the amendment letter, he will also be entitled to get his retiral benefits calculated after taking into account <sup>75 % of</sup> the Running allowance as element of basic pay. The O.A. is accordingly disposed of with the direction to calculate the retiral benefits of the applicant accordingly and to pay him current pension as well as arrears on that basis. Parties shall bear their own costs. Let the aforesaid directions be complied with within a period of six months from the date of communication of this order.

MEMBER (A)

SQI