

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 04th day of December 2002.

Original Application no. 1129 of 1995.

Hon'ble Mrs. Meera Chhibber, Judicial Member.

Jagdish Prasad Tripathi, the retired Railway Guard,
N.E. Rly., Varanasi, at present resident of Vill.
and P.O. Kashli Distt. Deoria.

... Applicant

By Adv : Shri U.S.M. Tripathi
Shri T.D. Singh (Both not present)

Versus

1. Union of India, through the General Manager,
N.E. Rly., Gorakhpur.
2. Divisional Railway Manager, N.E. Rly.,
Varanasi.

... Respondents

By Adv : Sri P Mathur

ORDER

Hon'ble Mrs. Meera Chhibber, JM.

By this OA the applicant has sought ~~for~~ direction to the respondents for recomputation of all legitimate dues in this respect by inclusion of 75% Running Allowance as pay Element and for payment of long outstanding and overdue amount of legitimate emoluments lying with the Railway Administration.

2. Learned counsel ^{Er. R.} for the respondents, Shri P Mathur, has fairly stated before ~~him~~ that in view of the judgment given by Hon'ble Supreme Court, the applicant would be entitled to the relief as claimed by him. It is submitted by him that the applicant superannuated on 30.4.1987, whereas the Hon'ble

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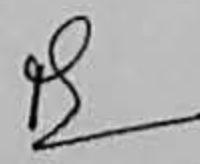


2.

Supreme Court has held that the persons who retired after 1.1.1973 but before 5.12.1988 are entitled to have their pension computed on the basis of Rule 2544 as ^{it} stood on the date of their retirement. They have further ~~clearly~~ *clarified* ~~that~~ *them* under Rule 2544, ~~but~~ as it stood prior to amendment by the impugned notifications, pension was required to be computed by taking into account the revised scales as per the 1973 Rule and the average emoluments were required to be calculated on the basis of the maximum limit of running allowance at 75% of the other emoluments, including the pay as per the revised pay scales under the 1973 Rules. It is thus clear that the applicant would also be entitled to the benefit of Rule 2544 as it then stood. The learned counsel for the ~~applicant~~ *respondents* has also stated at bar that pursuant to the judgment given by Hon'ble Supreme Court, the Railway Board has issued General Instructions for payment of arrears to all those persons who were entitled to it, as mentioned in the Hon'ble Supreme Court Judgment, but he is not sure whether the payments have been made to the applicants or not.

3. The very fact that the applicant's counsel has decided not to appear in the Court gives an impression that the relief might have been given to the applicant. However, in case the arrears have not yet been given to the applicant, the respondents may do so now within a period of three months from the date of receipt of copy of this order. In view of the judgment given by Hon'ble Supreme Court and statement made by the respondents counsel at bar ^{as above} the O.A. is allowed.

4. There shall be no order as to costs.


Member (J)

/pc/