

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1263/2000

WEDNESDAY, THIS THE 1ST DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Aziz Ahmed,
S/o late Amir Khan,
R/o H.No.499 A Mohalla Naurangabad,
Etawah - 206 001. ... Applicant

(By Advocate Shri B.N. Singh)

Versus

1. Union of India, through
Divisional Rail Manager,
Northern Railway,
Allahabad Division, Allahabad.
2. Senior Divisional Personnel Officer,
Northern Railway, Allahabad Division,
Allahabad.
3. The Manager,
Central Bank of India,
Main Branch, Etawah. ... Respondents

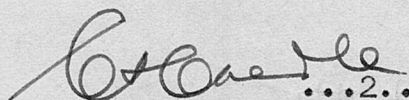
(By Advocate Shri A.K. Gaur)

O R D E R

Hon'ble Mr. C.S. Chadha, Member (A):

Without going into great details, it would be sufficient to mention here that the applicant is approaching this Tribunal for the third time in pursuance of the order passed in Contempt Petition No.70/1996, on 4.6.1997.

2. The Tribunal ordered "However, we deem it appropriate to dispose of the Contempt application with the direction to the respondents to allow all the consequential benefits as due as per the directions of the judgment and not yet allowed within a period of three months from the date of

...2..

this judgment. The applicant will submit his reply to the letter dated 26.7.1996, within a period of 15 days from the date of the judgment if not already done."

3. Thereafter, the applicant has been making representations to the Department quoting several circulars which inter-alia laid down the method of fixing the pay of a Railway servant who is already drawing the maximum of his scale. The applicant, apart from quoting the concerned circulars has taken great pains to submit along with his representation dated 29.1.2000, a complete calculation of what was his pay and what it should have been on various dates in his career as Annexure A-18. We are quite amazed that the applicant has taken such great pains to give a complete calculation sheet right from October, 1971 to September, 1985. However, the Railways have not bothered to consider each issue raised by the applicant. At Annexure-9, is an order dated 13.11.1998 which simply states that "with reference to your representation, the position has been thoroughly checked up, your Pension has been correctly computed and revised to Rs.785/- on the basis of the last 10 months average emoluments preceding the date of retirement."

4. The learned counsel for the respondents states that this is a well thought of order after considering all the issues. We cannot agree with this contention because how the revised Pension has been computed as Rs.785/- and how the average emoluments of the last 10 months preceding the date of retirement have been worked out has not been shown.

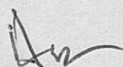
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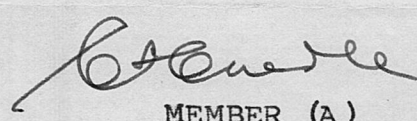


Whether the various circulars mentioned by the applicant were applied to his case or not is not at all clear. The learned counsel for the respondents also states that the circulars are all very old. But, the question is even if they are old, were they applicable to the applicant while he was in service? We are pained to see that the applicant has approached this Tribunal twice and the respondents have still not understood the gravity of the matter. The applicant has retired nearly 17 years back and it is only with God's Grace that he is still alive to fight this case. The Railways must realise that justice needs not only to be done, it must appear to have been done.

5. We, therefore, direct that without further delay, and within the next four months, the Railways must consider every issue raised by the applicant and every circular quoted by him and pass a speaking order as to why each circular is applicable or not applicable. In fact, it will be in the interest of justice to allow the applicant to sit with the authorities with Annexure-18 and go point by point in determining what is right and what is not. Then only justice would be seen to have been done. It is not sufficient to say that the applicant is not entitled to the benefit. It is necessary to point out why that benefit is not available and without that, justice cannot be done.

6. We, therefore, dispose of this O.A. with the above directions and only hope that our orders will now be carried out. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.