

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 9th day of November, 2001.

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

Original Application No. 100 of 2000.

Roshan Lal Sahu S/o Late Mahadeo Prasad Sahu
a/a 64 years (Retired Peon of Goods Superintendent,
N. Railway, Chheoki under Station Manager, Naini),
R/o House No. 107, Madhwapur, Allahabad.

.....Applicant.

Counsel for the applicant :- Sri A.P. Srivastava
Sri K.N. Katiyar

V E R S U S

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway,
D.R.M. Office, Allahabad.
3. The Senior Divisional Personnel Officer,
Northern Railway, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

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

This application has been filed under
section 19 of the Administrative Tribunals Act, 1985.

2. The undisputed facts giving rise to this
application are that applicant R.L. Sahu joined as
Porter at Karchhana Station of Allahabad Division on



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31.01.1959. In ¹⁹⁷⁷~~1997~~, applicant was promoted as Ticket Collector (T.C.). After applicant worked for certain period as T.C, in July, 1982, he was reverted from the officiating post of T.C to a class IV post. Applicant did not join the post of Peon. He filed writ petition in the High Court praying for declaration of result of Supplementary Examination. On the direction given by the Hon'ble High Court, result was declared but petitioner was not found successful. Thereafter, applicant alongwith some other filed O.A No. 1143/87 in this Tribunal which was decided on 14.02.1989 with following directions:-

" a) We therefore direct that in case the applicants report-back to the respondents with such application seeking orders for being given duty, they should be allowed to join duty with effect from the date of such application, which must be presented by the applicant within one month of the issue of the orders.

b) In regard to the relief for disposal of their appeal which is lying with the respondents since 28.01.1983, we do not want to give any direction as no such direction is required.

c) As for as the relief for payment of salary since July, 1982 is concerned, we decline the request. The applicants have on their own not reported back to duty on the reverted post. They have also not worked during this period. The respondents may decide this period according to rules."

3. After the aforesaid order of this Tribunal, applicant joined on 09.05.1989 and retired from the post of Peon on 30.09.1995. Applicant has not been paid pension. Therefore, he has approached this Tribunal for direction to respondents to pay the

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pensionary benefits with 18% interest.

4. Learned counsel for the applicant has submitted that alongwith applicant other employees similarly situated, ^{have} also not joined the reverted post and they were also applicants in O.A No. 1143/87. However, out of them Sri Bachaulal after retirement approached this Tribunal by filing O.A No. 1316/1997 and he was granted relief under rule 69 of Railway Services (Pension) Rules, 93. Learned counsel has submitted that applicant is entitled for the same relief and his pension may be calculated adding the period of services from 31.01.1959 to 21.07.1982 and thereafter, 09.05.1989 to 30.09.1995.

5. Sri A.K. Gaur, learned counsel for the respondents on the other hand has submitted that applicant is not legally entitle for the benefit so far as the period from 31.01.1959 to 21.07.1982 ^{is concerned,} Learned counsel for the respondents has also submitted that matter relating to absence of the applicant from 22.07.1982 to 08.05.1989 has been referred to the Railway Board to get necessary Presidential sanction as required under rules and result is ^{awaited} ~~abated~~. It is also submitted that remaining benefits have been given/paid to the applicant.

6. I have considered the submission of learned counsel for the parties and perused the records.

7. In Bachaulal's case, this Tribunal considered legal position in detail and relying on the provisions contained under rule 69 of Railway Services (Pension) Rules, 93, granted following reliefs to the applicant :-



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"a) to calculate the pension of the applicant for the period commencing from 22.04.1960 to 21.07.1982 and 10.05.1989 to 31.03.1997 in view of rules 69 of Railway Services (Pension) Rules, 93 provisionally and pay the same to the applicant within three months;

b) the respondents to calculate the D.C.R.G on the same principles and pay the same to the applicant within three months;

c) to pay Group Insurance amount on the same principles as stated above within three months;

d) to pay leave encashment amount on the same principles as stated above within three months;

e) to pay interest thereon @ 12% p.a. compound^{ed} annually within three months;

f) to continue to pay the pension which is fixed as stated above to the applicant every month till the matter of unauthorised absence is decided, with cost of litigation amounting to Rs. 650/- (Rs. 500/- as legal practitioner's fee plus Rs. 150/- as other expenses) within three months. "

8. As this Tribunal has already given judgement in a similar matter, in my opinion, applicant is entitled for the same reliefs. The judgement in the case of Bachaulal is squarely applicable to the facts of the present case. The O.A is accordingly allowed. The respondents are directed to ;

(a) to calculate the pension of the applicant ^u ~~after adding his services~~ for the period 31.01.1959 to 21.07.1982 and 09.05.1989 to 30.09.1995, in view of the rule 69 of Railway Services (Pension) Rules, 1993 provisionally and pay the same to the applicant within three months;



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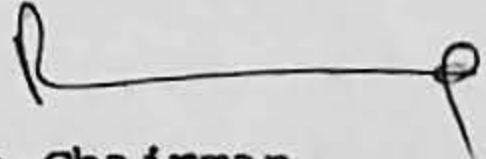
(b) the respondents to calculate the D.C.R.G on the same principles and pay the same to the applicant within three months. If any amount has already been paid in respect of D.C.R.G that shall be adjusted;

(c) to pay Group Insurance on the same principles as stated above within three months, if already not paid;

(d) to pay leave encashment on the same principles as stated above within three months. Any amount, if already paid, shall be given adjustment;

(e) to continue to pay the pension which is fixed as stated above to the applicant every month till the matter of unauthorised absence is decided.

9. There will be no order as to costs.


Vice-Chairman.

/Anand/