

CENTRAL ADMINISTRATIVE TRIBUNAL
 ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 826 of 2002

Allahabad, this the 20th day of September, 2002

Hon'ble Maj Gen K K Srivastava, Member (A)

Radha Prasad, son of Late Mangi Lal,
 resident of 14-A, Vivekanand Marg,
 Lahurabir,
 Varanasi.

.....Applicant

By Advocate Shri Ravindra Narain

V E R S U S

1. Union of India, through
 General Manager, N.E. Railways,
 Gorakhpur.
2. General Manager, Pension,
 N.E. Railway,
 Gorakhpur.
3. Divisional Railway Manager,
 N.E. Railway,
 Varanasi.
4. Divisional Manager (Personnel),
 N.E. Railway,
 Varanasi.
5. Finance Advisor and Chief Accountant,
 Officer (Pension), N.E. Railway,
 Gorakhpur.

.....Respondents

By Advocate Shri K.P. Singh

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A)

In this O.A., filed under section 19 of A.T. Act, 1985, the applicant has prayed that the impugned P.P.O. dated 08.08.2001 issued by respondent No.5 be quashed and direction be given to pay the pension to the applicant @Rs.5138/- per-month as was being paid up to April 2002.

.....contd.-2

2. The applicant joined railways on 01.09.1948 as Guard and superannuated on 30.04.1985. He was paid all the retiral benefits, ^{and} his pension was fixed as Rs.5138/- as per P.P.O. dated 09.12.99 placed as Annexure-5. By the impugned P.P.O. dated 08.08.2001 (Annexure-6) the applicant's pension has been reduced to Rs.2750/- . The learned counsel for the applicant challenging the action of the respondents submitted that it is beyond anybody's comprehension that the pension once fixed is reduced. The respondents have given no explanation for this reduction inspite of the fact that he has approached the authorities number of times.

3. The learned counsel for the applicant further submitted that the respondents have ordered for the recovery, because his pension has been reduced by the impugned P.P.O. and the applicant who has become old and is in advance stage of life is not being paid even a rupee for subsistence. The action of respondents is totally arbitrary, illegal and inhuman.

4. Shri K.P. Singh, learned counsel for the respondents justifying the action of the respondents submitted that the administration has done recalculation and accordingly regularised the pension of the applicant. He also invited my attention to the letter dated 05.04.2002 (Annexure-3) by which payment of Rs.4510/- has been ^{made} paid to the applicant on account of balance DCRG after taking into account 75% of the running allowance.

5. I have heard the counsel for the parties, considered their submissions and perused records. The applicant has not been able to explain as to why the action of the respondents in reducing the pension is unjustified. He has also not been able to give the details of the average pay on which the pension of the applicant was fixed when he superannuated in the year 1985 as that would be the basis for payment of pension and its revision from time to time. The interest of justice shall better be served , if a detailed representation is filed by the applicant, giving the details of his pay plus running allowance, which he was

drawing at the time of superannuation. The representation so filed should be decided by respondent No.5 within a specified time. In order to safeguard the interest of the applicant for a decent living, the applicant requires protection.

6. The O.A. is finally disposed of with direction to respondent No.5 to decide the detailed representation of the applicant within a period of 2 months from the date, the same is filed before respondent No.5 alongwith this order by a detailed, reasoned and speaking order. Such representation shall be filed by the applicant within 4 weeks. I also provide that the pension fixed by the impugned P.P.O. be paid every month to the applicant for his subsistence and recovery, if ordered, is stayed till the representation of the applicant is finally disposed of. However, if any recovery is due, the same shall be recovered in instalments leaving sufficient money for the applicant for subsistence.



Member (A)

shukla/-