

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

HON'BLE MR.A.K. GAUR , MEMBER (J).

ALLAHABAD this the 15 day of 12, 2009.

Original Application Number. ✓ 1049 ✓ OF 2009 ✓

Riti Ram Verma, son of Sri Durag Singh, Resident of House No. D-371,
Chandiapuri Dhauli Piau, Mathura.

.....Applicant.

VE R S U S

1. Union of India through Director of General, Railway Protection Force, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
2. Chief Security Commissioner, Railway Protection Force, North Central Railway, Allahabad.
3. Senior Divisional Security Commissioner, Railway Protection Force, Jhansi.

.....Respondents

Advocate for the applicant: Sri P. C. Mishra

Advocate for the Respondents : Sri P.N. Rai

O R D E R

(Delivered by Hon'ble Mr. A.K. Gaur, J.M)

Through this Original Application filed under Section 19 of the Administrative Tribunals Act 1985, the applicant has prayed for a

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direction to the respondents to allow pensionary benefits to him and other post retiral benefits according to the post and grade of S.I.P.F (Prosecution) by taking into account the last drawn salary.

2. Facts of the case are that the applicant, who was initially appointed as Constable (RPF) on 17.05.1965, appeared in the departmental test for promotion to the post of A.S.I (P.F), in which he was declared successful and was promoted in 1990. In due course, the applicant appeared in departmental test for promotion to the post of Sub Inspector Protection Force (Prosecution) and he was promoted as Sub Inspector Protection Force (Prosecution) on 25.10.1995 and had been continuing till his retirement i.e. 31.01.2003 in pay scale Rs. 5500-9000. The grievance of the applicant is that he was entitled for settlement of pension and other post retiral benefits on the basis of his last pay drawn i.e. 5500-9000 whereas the respondents illegally settled the retiral benefits on the basis of pay scale of A.S.I.P.F.

3. Learned counsel for the applicant invited my attention to the letter dated 12.08.2002 (Annexure IX of O.A) and submitted that in similar and identical situation Sri Brij Raj Singh, Ex ASO, R.P.F, Jhansi, who was also promoted and posted on adhoc basis, has been allowed pension and other post retiral benefits on the basis of emoluments drawn during last ten months. Learned counsel for the applicant further submitted that at the time of retirement, the applicant was working as Sub Inspector Protection Force (Prosecution) and was getting Rs. 6400/- p.m in pay scale Rs. 5500-9000, therefore, the action of the respondents in allowing the pension only Rs. 3600/- p.m. is wrong and based on hostile discrimination. Learned counsel for the applicant also invited my

attention to the Annexure - I to VII of O.A and submitted that for redressal of his grievance , the applicant made representations dated 13.06.2003, 18.07.2003, 07.05.2004, 18.03.2005 but the respondents did not pay any heed. The last representation is dated 17.10.2005 (Annexure - VIII of O.A).

4. Learned counsel for the applicant at the very out set has submitted that the grievance of the applicant might be redressed in case a direction is given to the competent authority to consider and decide the representation dated 17.10.2005 (Annexure -VIII of O.A) by a reasoned and speaking order within specified period.

5. Learned counsel for the respondents has no objection if such direction is given.

6. Having heard learned counsel for both sides, we hereby direct the applicant to file a certified copy of this order alongwith additional representation, if so advised, and copy of Original Application with all annexure before the competent authority within a period of two weeks from the date of receipt of certified copy of this order. If such a representation (as contemplated above) is filed within stipulated period of time, the competent authority shall consider and decide the same taking into account all the points raised by the applicant in his representation dated 17.10.2005/Annexure -VIII of O.A and in additional representation as well as meeting all the contentions raised in the instant O.A (including the points raised in the representations annexed as Annexure-I to VII) by a

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reasoned and speaking order within a period of three months on receipt of certified copy of the order (as contemplated above) and communicate the decision to the applicant forthwith). While considering the case of the applicant, the competent authority shall also take into account the case of Sri Brij Raj Singh, Ex ASO, R.P.F, Jhansi, and reference of which has also been made in the present O.A (Annexure-IX of O.A).

7. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Anand
MEMBER- J.

/Anand/