

RESERVED
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated this the ^{1st}.....day of April, 2010.

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No. 223 of 2006
 (U/s 19 of the Administrative Tribunals Act 1985)

Abdul Hamid (Retired) M.C.M. (Master Crafts Man)
 No.13, S/o late Sri. Noor Mohammad,
 R/o Village New Islampur,
 Post Office Mughalsarai,
 District Chandauli. . . Applicant

By Adv: S/Shri A. Srivastava & H.O. Khare

V E R S U S

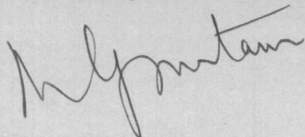
1. Union of India through the General Manager,
East Central Railway, Hazipur, Bihar.
2. Chief Works Manager (Workshop),
East Central Railway, Mughalsarai,
District Chandauli.
3. Chief Personnel Officer
East Central Railway, Hazipur. . . Respondents

By Adv: Sri P. N. Rai

ORDER

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

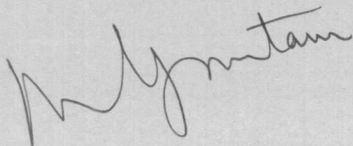
The applicant was appointed as Khalasi on 2.7.1957. He continued to work till his retirement from the post of MCM on 30.6.1996. After retirement the applicant made several representations regarding his pension amount of Rs.3100/- per month whereas others junior to him viz., S/Shri S.N.Prasad, Anil



Kumar Mukherjee, Roop Chand and others got Rs.3280/- per month. Not getting any response he filed writ petition No.42717/2004 and the Hon'ble high Court vide orders dated 11.10.2004 disposed of the same with a direction to place the matter before the Tribunal. Then the applicant filed O.A. 1650/2004 and vide order dated 31.1.2005 respondents were directed to consider and decide the representation of the applicant within a period three months from the date of receipt of a copy of this order. Accordingly, the applicant sent a representation dated 21.2.2005 along with a certified copy of the Tribunal's order. But the respondent No.2 rejected the representation of the applicant vide impugned order dated 10.5.2005. Aggrieved by this rejection the applicant made another representation dated 20.8.2005 and thereon filed the present O.A. seeking the following main reliefs:

- i. *To issue an order or direction in the nature of certiorari quashing the order dated 10.5.2005 passed by the respondent No.2 rejecting the representation of applicant dated 21.2.2005 (Annexure "1" to compilation No.1);*
- ii. *To issue an order or direction in the nature of mandamus directing the respondents to pay the monthly pension to the applicant equivalent to the juniors, month by month;*

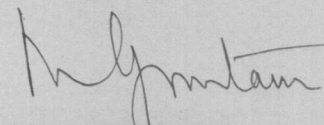
2. The case of the respondents is that there was no merit in the representation of the applicant. From the chart which is shown in the impugned orders, the joining date and subsequent dates of promotions of the applicant and three other persons named by



him, it is obvious that the applicant was promoted to the post of Grade I and Master Craftsman subsequent to other three candidates and therefore, they are seniors to him.

3. The counter affidavit filed by the respondents also explains that the promotions of other three persons mentioned by the applicant were done earlier than the promotion of the applicant and hence, there is difference in calculation of monthly pension.

4. Having heard both parties and perused the record on file, it is very clear that, the impugned orders passed by the respondents are detailed and speaking orders, explaining the reasons as to why the applicant has been given less family pension than the other three persons. It is also clear that the applicant superannuated in the year 1996. No purpose can be served by going into the question of whether he should have been promoted earlier than he was now, as after a long passage of time it is not practical to open the question of seniority. Accordingly, there is no merit in the O.A. and it is dismissed. No costs.


MEMBER (A)