

CENTRAL ADMINISTRATIVE TRIBUNAL

~~PRINCIPAL BENCH, DELHI~~

Ahmedabad Bench, Ahmedabad.

O.A No. 381

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~~XXXXXX.~~DATE OF DECISION 5-12-1990Bachuba Deepsingh Gohil PetitionerMr.M.M.Xavier Advocate for the Petitioner (s)

Versus

Union of India & Ors RespondentMr.R.M.Vin Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. P.H.Trivedi

: Vice Chairman

The Hon'ble Mr. J.P.Sharma

: Judicial Member

JUDGMENT

Wachuba Deepsingh Gohil
C/o.Kishore M.Dodia
Desai Nagar, Plot No.1,
'Mathru Chaya'
Opp.Chitra Petrol Pump
Bhavnagar.
(Adv.: Mr.M.M.Xavier)

: Applicant

Versus

1. The Union of India
Through:
General Manager,
Western Railway Churchgate,
Bombay.
2. The Divisional Railway
Manager, Western Rly.,
Bhavnagarpara.
3. The Divisional Medical Officer
Western Railway,
Bhavnagar Division,
Bhavnagarpara.
(Adv. Mr.R.M.Vin)

: Respondents

O.A. 381/87

O R D E R

Date: 5/12/1990

Per: Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Heard Mr.M.M.Xavier and Mr.R.M.Vin, learned advocates for the applicant and the respondents. It is not disputed that the petitioner has actually been allowed to work upto 20.11.86 although his date of retirement is 31.3.84 and that no retirement benefit has been paid to her until ^{now} then. The petitioner is clearly entitled to be paid her salary and other emoluments as admissible for the period for which she has actually worked and there should be no recovery from her dues on account of her working beyond the date on which she was due to retire. The pensionary benefits of the petitioner however be calculated on the basis of the due date of her retirement namely 31.3.1984 and there is no justification for extending the benefit of pensionary benefits on the basis of the date on which the petitioner actually retired beyond the date of due retirement on account of a mistake. The petitioner is also entitled D.C.R. on which she will be entitled to the

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interest at the rate of 12% from a date three months after the date of actual retirement namely 20.11.86 i.e. 20.2.1987. It is directed hereby that the respondents accordingly be finalised the pensionary benefits of the petitioner within a period of three months failing which penal interest at the rate of 15% will be payable from that date i.e. 25.2.1991. With this direction and observation, the case is disposed of.

J.P. Sharma
(J.P. Sharma)
Judicial Member

P.H. Trivedi
(P.H. Trivedi)
Vice Chairman

a.a.b.