

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

C.P.No. 35/96 in O.A.No.351/89

Ahmedabad this the 20th day of April, 2000

**Hon'ble Mr. V. Ramakrishnan, Vice Chairman
Hon'ble Mr. P.C. Kannan, Judicial Member**

Shri M.D. Pathak,
Resident of
A/19 Shreenathji Krupa Society
Nr. Arunachal Society Bus Stop,
Ellora Park, Baroda – 7. Applicant.

By Advocate: Mr. K. K. Shah

VERSUS

1. Union of India, notice to be Served through General Manager Western Railway, Churchgate, Bombay – 400 020.
2. Shri
(name will be furnished on granting prayer)
Chief Engineer
Survey & Construction Office
New Churchgate Station Building
Western Railway, Bombay.
3. Shri
(name will be furnished on granting prayer)
Chief Project Manager,
Railway Electrification
Vadodara, presently having the
Office at Bhopal.

By Advocate: Mr. N.S. Sheyde

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

We have heard Mr. K.K.Shah for the complainant and Mr. Shevde for the respondents. The complainant is present in person today. The complainant has alleged that the direction of the Tribunal dated 5.2.95 in OA 351/89 had not been complied with. In that OA the Tribunal had given a number of directions to the respondents including allotting the higher seniority and grant of proforma promotion as Chief Clerk and Office Superintendent on the date his junior Panirwala was promoted as such and also grant arrears of pay. The complainant was working in Railway Electrification Project at Baroda and had retired from there but the lien was maintained in Headquarter office. He had filed the CP alleging non implementation of the direction of the Tribunal with regard to the various benefits. Initially the Railway took the reference to give proforma promotion as a notional promotion and not for grant of arrears. This was clarified by the Tribunal that since a specific reference was given to grant arrears, it should be paid. Accordingly the complainant was handed over a cheque of Rs.15,138/- being arrears. There was however some controversy with regard to payment of enhanced retiral dues on account of revised pay at the level of Chief Clerk. Mr.K.K.Shah confirmed that on the last occasion the complainant was given arrears by the respondents but pension should be now given with effect from 1.1.96 pursuant to the recommendation of the Fifth Pay Commission. The complainant who is present in person confirms that he has infact been given all the dues including the revised pension. We

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record the statement of the complainant. In view of this the direction of the Tribunal had been complied with.

2. Mr.K.K. Shah submits that there is considerable delay and seeks leave to file a separate OA for claim interest. The complainant may take recourse to whatever remedies ^{are} available to him under the law.

3. In the facts and circumstances of the case the direction of the Tribunal had been complied with by the respondents even though some delay ^{was} occurred for payment of dues. We dismiss the CP and the alleged contemners are discharged.

P.C.Kannan
(P.C.Kannan)
Member(J)

V.Ramakrishnan
(V.Ramakrishnan)
Vice Chairman

Vtc.