

(9)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. /29/90  
T.A. No.

DATE OF DECISION 24th December, 1993

Mr. B. B. Suthar Petitioner

Mr. M. A. Kadri Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan : Administrative Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgement ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
- ) No

Brijmohan Bholege Suthar,  
aged 61 years,  
residing at : Bombay Housing,  
Railway Colony Block No.667,  
room no.6,  
Khokhra, Maninagar,  
Ahmedabad

: Applicant

Advocate : Mr.M.A.Kadri

versus

1. Union of India, owning and  
representing through the  
General Manager,  
Western Railway, Head Quarter,  
Office, Churchgate,  
Bombay
2. The Divisional Railway Manager,  
Baroda Division,  
Divisional Office at Pratapnagar,  
Baroda

: Respondents

2.

Advocate : Mr.N.S.Shevde

ORAL ORDER

O.A.29/90

Dated: 24.12.93

Per : Hon'ble Mr.V.Radhakrishnan, Member (A)

The applicant is a retired railway employee, who retired on 31-7-1986. His grievance is that the pension has not been calculated in the correct way as only 70 % of D.A. has been taken into account 3 months from October to December, 1985 in calculating average emoluments for 10 monthly preceeding retirement. He was similarly less paid in DCRG. The learned advocate for the applicant has produced a copy

of O.M. of Department of Personnel and Pensioners Welfare ) O.M.No. 2/1/87 PIC dated 08.12.1987, which has given the method of calculation of / pension and retirement benefits for persons retired in 1986 and in whose case the preceding ten months still back to 1985. For the purpose of calculating the emoluments drawn during the period prior to 01.1.1986 include besides basic pay DA, Add. DA and interim relief admissible thereon and actually drawn by the retiring employee. The applicant has given a representation on 01.04.1989 without referring to this above mentioned O.M.. He has not received any reply from the respondents so far. As the applicant seems to be prima facie covered by the above mentioned O.M., the applicant is directed to prefer a supplementary representation to the DRM, Baroda within one month from today. The DRM, Baroda, is directed to consider the representation in all its aspects, and take a decision for revising the pension as per rules within 3 months from the date of receipt of such a representation.

2. So far as the grievance regarding the recovery the rent or penal rent is concerned, the applicant is directed to make a representation separately within one month to the DRM, Baroda, who will decide the case as per rules within 3 months from the date of receipt thereof. With the above directions, the O.A. stands disposed of. No order as to costs.

  
( V. RADHAKRISHNAN )  
MEMBER (A)

DATE: 24.12.1993

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