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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Revision of
Pension &
Commutation

O.A. No. 7 OF 1992.
~~E.A. No.~~

DATE OF DECISION 20-11-1992

Dr. N.D. Modi, Petitioner

Mr. P.K. Handa, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

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

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

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 ? ✓

Dr. N.D. Modi,
Medical Superintendent,
Western Railway,
Sabarmati,
Address: 15/B, Alkanagar,
Alembic Road,
Vadodara.

.... Applicant.

(Advocate: Mr. P.K. Handa)

Versus.

1. Union of India,
Owing and represented by
General Manager,
Western Railway,
Churchgate, Bombay.
2. Chief Medical Officer,
Western Railway,
Churchgate, Bombay.
3. Divisional Railway Manager,
Western Railway,
Vadodara Division,
Pratapnagar, Vadodara.
4. Chief Medical Superintendent,
Pratapnagar Hospital,
Western Railway,
Vadodara.

..... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 7 OF 1992

Date: 20-11-1992.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

Heard Mr. P.K. Handa for the applicant and
Mr. N.S. Shevde for the respondents.

2. The applicant is a Medical Officer under the respondents railway administration. He retired from service on 28th February, 1991. The main contention of the applicant is that in the circumstances in which he was recruited and considering his qualification he is entitled to the

benefit of additional service as mentioned in para 2423A of Indian Railway Establishment Code Vol.II, read with Railway Board's letter dated 4.12.1987, which is annexed as Annexure A-1. His pension has not been worked out on this basis as is clear from the PPO enclosed to the letter dated 5.5.91 (Ann. A) of the respondents to the State Bank of India.

3. The applicant states that he had made a representation on 7.11.1989 which is at Ann. A-2 and this was followed by a final representation dated 9.9.1991 at Annexure A-4 which has still not been disposed of.

4. It is in this circumstances that the applicant has sought the following relief from this Tribunal.

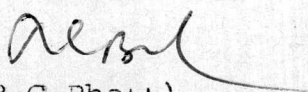
"The applicant prays the Hon'ble Tribunal to direct the respondents to cancel the PPO shown at Annexure-A and to issue a revised PPO giving advantage of added years of service of 4 years, 1 month and 22 days into 28 years, 10 months and 8 days (i.e. a qualifying service at the time of retirement) making the total qualifying service of 33 years as per para 2423/A-R/11 and Railway Board's letter No. F(E) III-87 P & I/21 dated 4-12-1987. Thus, increasing gratuity the Pension and Commutation with arrears and interest."

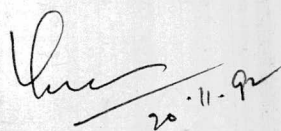
4. When the matter came up for final hearing today, the learned counsel for the applicant submitted that he would be satisfied if directions are issued to the authorities concerned to dispose of the representation Annexure A-4 in the context of the relief sought by

him in the present application and the respondents are directed to treat the present application itself as a further representation in this behalf. The learned counsel for the respondents did not have any objection to such a disposal of this application.

5. In the circumstances, we are satisfied that this application can now be finally disposed of with suitable direction to respondent no.1 namely, General Manager, Western Railway. Accordingly, this application is disposed of with a direction to the first respondent to consider the representation dated 9.9.91 of the applicant addressed to him (Annexure A-4) along with the previous correspondence referred to therein, in the context of the present application before this Bench along with the enclosures thereto which, for this purpose should be treated as a supplementary representation and dispose of the original representation dated 9.9.91 within a period of four months from the date of the receipt of this order, under intimation to the applicant. We also make it clear that if the applicant feels aggrieved it is open to him to seek such remedies as advised.

6. Application is disposed of. No orders as to costs.


(R.C.Bhatt)
Member(J)


(N.V.Krishnan)
Vice Chairman

vtc.