

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO./371/93

T.A.NO.

DATE OF DECISION 11.8.97

B.P.Trivedi Petitioner

Mr.M.A.Kadri Advocate for the Petitioner [s]
Versus

Union of India & ors. Respondent

Mr.R.M.Vin Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Ramakrishnan

Vice Chairman

The Hon'ble Mr.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

B.P.Trivedi,

retired, residing at :
D/6, Yagna Purush Flats,
Karmchari Nagar Road,
Rannapark,
Ahmedabad.

Applicant

Advocate Mr.M.A.Kadri

versus

1. Uniono of India, Through :
The General Manager,
W.Rly., H.Q.Office,
Churchgate,
Bombay.

2. The Divisional Railway Manager,
W.Rly., Bhavnagar Division,
Division Office at
Bhavnagar Para.

Respondents

Advocate Mr.R.M.Vin

ORAL ORDER

O.A.371/93

Date: 11.8.97

Per Hon'ble Mr.V.Ramakrishnan

Vice Chairman

The applicant who is a retired railway servant has approached the Tribunal for a direction to the Railways to grant him the amount due on account of bonus, packing kit allowances, transfer allowance and conveyance allowance etc. with interest.

2. I have heard Mr.Kadri, counsel for the applicant and Mr.Vin, counsel for the respondents. Mr.Kadri states that the applicant has since been paid transfer allowance and conveyance allowance and his present grievance relates only to non-payment of productivity linked bonus for the period from 1.8.1990 to 30.11.1990 on which date he has retired from the Railway service as also the non-payment of packing allowance on his retirement. Mr.Kadri disputes the stand of the railway administration as taken in the reply ~~and~~ statement as also in the sur-rejoinder that the applicant was drawing wages which exceeded the limit of Rs.3500/- with effect from 1.8.1990 and as such, is not entitled to productivity linked bonus and contends that as per the Government instructions, the eligibility has to be worked out on the basis of the emoluments he had drawn as on 31st March and not from the middle of the year as on 1.8.1990. He also does not agree with the contention of the railways that he has been paid packing allowances on his retirement stating that what had been paid to him was only the entitlement on his transfer from Jamjodhpur to Keshod in August 1990 and not on his retirement after 30.11.1990. He states that in view of this

position, he should be paid productivity linked bonus for the period of 1.8.90 to 30.11.1990 as also packing allowances on his retirement.

3. Mr.Vin resists the application. He brings out that as per the Railway Board Circular, productivity linked bonus is not admissible when wages exceed Rs.3500/- and for this purpose wages include the dearness allowances . He ~~also~~ also draws my attention to the Annexure R-2 which states that packing allowance was given on retirement from Keshod to Ahmedabad, where the applicant had settled after retirement.

4. I have carefully considered the contentions of both sides. The two issues that need to be resolved are that (i) whether the applicant is entitled to productivity linked bonus for the period from 1.8.90 to 30.11.90 on which date he retired and (ii) whether he had been paid the packing allowances due to him on his retirement on 30.11.1990.

5. As regards the first issue, Mr.Kadri states that emoluments admissible on 31st March should be reckoned for commuting the eligibility and payment of bonus. If that is so, then the emoluments of productivity linked bonus for the year 1990-91 has to be **reckoned**

on the basis of emoluments on 31.3.1991. The applicant was not in service on 31.3.1991. As per the Railways' clarification when an officer~~s~~ retires, the emoluments which should be taken into account are the pay last drawn by the employee on his superannuation. It is further seen from the statement attached with the affidavit dated 13.1.1995 by the A.P.O., Bhavnagar Division, that the applicant was paid Rs.807/- as bonus for the period from 1.4.90 to 31.7.90 and the pay of the applicant was raised on getting an ^{increment} ~~interest~~ from 1.8.90 and that from 1.8.90 onwards, he was drawing wages which exceeded the limit of Rs.3500/- As wages for computing eligibility includes not only pay but also dearness allowance, The applicant's wages will mean not only the pay but also the dearness allowance therein, which came to be enhanced with effect from 1.8.90 and on 30.11.90, when he retired, his emoluments exceeded Rs.3500/-. I find from the Railway Board's circular dated 10.10.1991, annexed as Annexure R-1, with the sur-rejoinder that productivity linked bonus will be payable to staff whose wages do not exceed Rs.2500/- p.m. but ⁱⁿ a very special case, the President decided that all eligible staff ~~drawing~~ wages between Rs.2500/- and 3500/- p.m. (inclusive) may be paid ex gratia, an amount equal to what would be admissible as productivity linked bonus on wages


of Rs.1600/- pm.

In the light of this position, and in the light of the clear averment made by the Railways that the wages of the applicant which includes the dearness allowance had exceeded the limit of Rs.3500/- on 1.8.90 he is clearly not entitled to productivity linked bonus. He has already been paid the bonus for the period from 1.4.90 to 31.7.90. His claim for bonus ~~for~~ from 1.8.90 to 30.11.90 is without any merit.

5. As regards the claim for packing allowance, the applicant says that a sum of Rs.2025/- which had been received by him vide the pay order dated 3.12.1991 relates to his dues on his transfer and not on his retirement. I find from Annexure R-2 that pay order specifically states that Mr.B.P.Trivedi, SS, Keshod (applicant) was to be paid Rs.2025/- as normal retirement on 30.11.90 from Keshod to Ahmedabad as the packing allowance and for shifting from his last station to Ahmedabad. It is not denied that he settled in Ahmedabad after his retirement. This amount paid to ^{has clearly} ~~have already~~ relates to packing allowances on his retirement in ^{November} ~~August~~ 1990. Mr.Kadri for the applicant states that he is entitled for two such allowances

one on his transfer in August 1990 and the second on his retirement. It is clear from the order dated 3.12.90 referred to above that he had been paid ^{post-d} ~~transfer~~ allowances on his retirement. The question as to whether he had received the same on his transfer from Jamjodhpur to Keshod not an issue in this O.A.

6. In the light of the foregoing discussion, the O.A. is devoid of merit and is dismissed. No order as to costs.


(V. Ramakrishnan)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD


Applicati on No. OA/371/93
Transfer Application No.

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated: 28/8/92

Countersign :


Signature of the Dealing
Assistant

Section Officer.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

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