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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

Original Application No. 751 of 1995
Cuttack this the 30th day of June, 1999

Trinath Panda ... Applicant(s)

-Versus-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes ,
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? NO .

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
30.6.99

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

Original Application No. 751 of 1995
Cuttack this the 30th day of June, 1999

C O R A M:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

...

Trinath Panda, aged about 61 years,
S/o. Late H.K. Panda, at present residing at
Ratang Colony, PO: Jatni, Dist: Khurda

...

Applicant

By the Advocates

...

Mr. B.S. Tripathy

-Versus-

1. Union of India represented by its
General Manager, South Eastern Railway,
Garden Reach, Calcutta-43 (West Bengal)
2. Divisional Railway Manager,
S.E. Railway, Khurda Road,
Jatni, Dist: Khurda
3. Divisional Personnel Officer,
S.E. Railway, Khurda Road,
Jatni, Dist: Khurda

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Respondents

By the Advocates

...

Mr. R.C. Rath,
Addl. Standing
Counsel

...

S. Som.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:-

In this original Application, under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for issuing direction to Respondents to issue Railway passes to which, he is entitled to and also to grant him the benefit of the 4th Pay Commission pay scales. For the purpose of deciding this original Application, it is not necessary to go into too many facts of this case. It is only necessary to note that according to applicant's own averments, he was at one stage removed from service ~~xxx~~ on 12.1.1981. This order was challenged by the petitioner before the Honourable High Court of Calcutta and by virtue of the interim order passed by the Hon'ble High Court of Calcutta, the Railway Authorities, paid the applicant sum of equivalent to pay and other benefits during the pendency of the application before the Hon'ble High Court of Calcutta. Subsequently, applicant approached the Tribunal in O.A. No. 62/89 wherein the Tribunal directed reinstatement of applicant and ultimately, he was re-instated. While ordering re-instatement of the Applicant, Tribunal in their order dated 27th July, 1990, as the at Annexure-R/1 directed that applicant had not rendered any service to the railways, the period from the date of removal

till re-instatement, would be treated as 'dies non'.

Because of this, Departmental Authorities initiated action to recover a sum of Rs. 62,193.18 paise from in the applicant resulting/applicant approaching this Tribunal once again in O.A. NO. 336 of 1992 in which this Tribunal held that the applicant is not liable to pay back anything to the Railway Administration.

2. We have heard Mr. B.S. Tripathy, learned counsel for applicant and Mr. R.C. Rath, learned Additional Standing Counsel appearing for the Departmental Respondents and also perused the records.

3. All these averments made by applicant are not really relevant for the present purpose because in this case, his first prayer is for allowing him the railway passes to which, he is entitled to as a retired railway employee. Respondents, in their counter have pointed out that even though applicant retired from service on superannuation on 30.6.1987 and he retained his quarters on payment of licence fee and special licence fee from 1.7.1987 to 28.02.1988. Beyond that date, he unauthorisedly remained in the quarters from 1.3.1988 to 11.7.1991 for a period of 41 months. According to the Railway Estt. Sl.No.110/83 for every month of unauthorised occupation

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of Railway quarters, one set of complementary passes will be withheld. Accordingly, Respondents have pointed out that because of his unauthorised occupation of quarters for 41 months, 41 set of passes will be denied to him and he will be entitled/eligible to get passes again on 2008. In view of this, this prayer of the applicant is held to be without any merit and is rejected.

4. The second prayer of the applicant is to allow him the fourth Pay Commission scale of pay. At the time of his superannuation, applicant was in the pre-revised scale of pay of Rs.330-560/- and Respondents have pointed out that when 4th Pay Commission scales of pay came into force, i.e. w.e.f. 1.1.1986, the replacement scale was Rs.1350-2200/- and the pay of the petitioner was fixed at Rs.1480/- in the replacement scale of pay of Rs.1350-2200/- and accordingly, arrear financial benefits were allowed to him. In view of this, it is clear that the 2nd prayer of the applicant had already been met and he has already been allowed the 4th Pay Commission scale of pay.

5. In consideration of the above, we hold that the applicant is not entitled to 1st relief claimed by him and the 2nd relief has already been given to him. The Original Application is, therefore, disposed of accordingly, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
30.6.99