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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.1365-1404 OF 2004
Cuttack, this the 24th Day of October, 2007

P.V. Subba Rao & Others..... Applicants

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

No.


(M.R. MOHANTY)
VICE-CHAIRMAN

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.1365 -1404 OF 2006

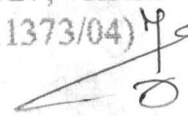
Cuttack, this the ..24th... Day of October, 2007

CORAM:

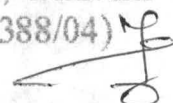
HON'BLE SHRI M.R. MOHANTY, VICE-CHARMAN

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IN THE CASE OF:

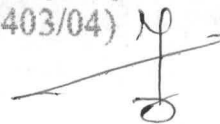
1. Sri P.V. Subbba Rao, S/o- P.Krishna Murty, Retired Fitter Gr.I (Mechanical) D.No.38-20-2/3 near 104 Area Bus Stop, Visakhapatnam-18 (O.A. No.1365/04)
 2. Sri D.S. Sastry, S/o-Butchanna Sastry, Retired Station Superintendent (Bptg.), D.No. Flat 206, Happy6 Homes No.I, APSEB Colony, Butchirajapalem, Visakhapatnam-27 (O.A.1366/04)
 3. Sri M. Sanyasi Rao, S/o-Late Appanna, retired Head Constable Security Maharaniweedhi Marripalem, Visakhapatnam-18 (O.A.1367/04)
 4. Sri B.V.S. Murthy, S/o-Late B.V.R. Prasad Rao, Retired Accounts Assistant, Accts. Deptt. Flat No.D 305, Tarakarama Enclave, Opp. Santinagar NAD X Road, Visakhapatnam-9 (O.A.1368/04)
 5. Sri U.V.S.A. Prakash Rao, S/o-U. Jaganadharao, Retired CRS (Comml), D.No.18-105, Prahaladhapuram, Visakhapatnam-27.(O.A.1369/04)
 6. Sri P. Krishna Murthy, S/o-Late Narayana Murthy, Retired Personnel Inspector Personnel D.No.8-129, Varalakshmi Nagar, Vapagunta, Visakhapatnam-29.(O.A.1370/04)
 7. Sri E.V.Ramana, S/o-E.Adanna, Retired Driver-'A', Special Mechanical Running, D.No.L-25, T.N.129, Waltair, R.S.530004.(O.A.1371/04)
 8. Sri T.V.S. Rama Rao, S/o-Lata T.N. Murthy, Retired Head Signallar (OPTG.) D.No.51-8-40/57, KRM Colony, Visakhapatnam-13.(O.A.1372/04)
 9. Sri E.R. Reddy, S/o-Late E.Venkata Swamy, Retired S.S. OPTC. D. No.53-32-5/27, KRM Colony, Seethamadhara, Visakhapatnam-13.(O.A.1373/04)
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10. Sri M.S. Patrudu, S/o-Late M.N. Patrudu Retired S.S. OPTG, D.No.1-9-11/6/8, MVPColony, Visakhapatnam-03. (O.A.1374/04)
11. Sri G. Subrahmaniam, S/o-Late G.A. Swamy, Retired S.S. OPTG. D.No.53-21-12, Chaitaniya Nagar, Maddilapalam, Visakhapatnam-13.(O.A.1375/04)
12. Sri Ch. V.K. Kamaraju, S/o-Late Sriramulu, Retired CA to DCM Commercial, D. No.18/145, Chandra Nagar, Gopalapatnam, Visakhapatnam-27.(O.A.1376/04)
13. Sri M.R.K. Sarama, S/o-Late Rama Rao, Retd. TXR Mechanical, D.No.58-10-90, C.D.Puram, Karasa, Visakhapatnam-9.(O.A.1377/04)
14. Sri D. Mallikarajuna Rao, S/o-Late D. Appa Rao, Retd. C.T.I. Commercial D. No.45-45-1, Akkayyapalem, Visakhapatnam-16.(O.A.1378/04)
15. Sri J. Dakshina Murthy, S/o-Late J.V.S.Jogga Rao, Retd. Conductor Commercial D.No.49-35-15A, NGO's Colony Sai Sampath Enclave, Akkayyapalem, Visakhapatnam-16 (O.A.1379/04)
16. Smt. K. Hemalatha Murthy, D/o-P.Venkanna, Retired Matron (Medical) D.No.49-34-8/1 Abid Nagar, Akkayyapalem, Visakhapatnam-16.(O.A.1380/04)
17. Sri C. Rama Rao, S/o-Late C. Narayana, Retd. C.T.I. (Commercial) , Flat No.101, Omvigneswara Apartments, Akkayyapalem, Visakhapatnam-16.(O.A.1381/04)
18. Sri MVS Prakash Rao, S/o-Varacchari, Retd. O.S. Gr.I Mechanical, D.No.30-10-17, Kamala Street, Alipuram, Visakhapatnam-04.(O.A.1382/04)
19. Sri E. Sanjeeva Rao, S/o-Late Sanyasi, Retd. Group-'A' OPTG, D.No.MIG/1/409, APHB Colony, P.M. Palmem, Visakhapatnam-49.(O.A.1383/04)
20. Sri K. Penchalaah, S/o-Rajaiah, Retd. O.S. Gr.-II, Mechanical D. No.MIG/1/74(SFS) I APHB Colony, P.M. Palem, Visakhapatnam-41.(O.A.1384/04)
21. Smt. G. Rama Lakshmi, W/o Late C.V. Appa Rao, Ex-O.S. Gr.II, Engnr. Family Pensioner, D.No.4-44/2, Varalakshminagar, Vepagunta-29.(O.A.1385/04)
22. Begum Z. Benagal, S/o-Late G.A. Waheed, Retd. SS OPTG, C/o-SR. M. Ali, D.No.8-272/13, VUDA Layout, Gopalapatnam, Visakhapatnam-27, (O.A.1380/04)
23. D. Simhachalam, S/o-Late D. Rammalu, Retired H. TXR Mechanical, D.No.48-6-26, Srinagar, Rama Talkies, Back side, Akkayyapalem, Visakhapatnam-16 (O.A.1387/04)
24. Sri D. Venkateswara Rao, S/o-D. Appa Rao, Retd. GDI Elect. Traction D. No.57-28-16, Bhavani Garden, Industrial Estate, Visakhapatnam-7, (O.A.1388/04)



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25. Sri J. Pentayya, S/o-Late J. Atchanna, Retired Driver (Mechanical), D. No.37-3-77, Gojapathi, Kanchrapalam, Visakhapatnam-8 (O.A.1389/04)
26. Y. Narayana Rao, S/o- Y. Ch. Satyanarayana Retired Guard OPTG, D. No.23-1-18, Paulaveedhi, Visakhapatnam-1 (O.A.1390/04)
27. Sri V.V. Ramana Rao, S/o-Late V.V. Ramana Murthy, Retd. Chief Personnel Inspector/Personnel D.No. 22-72-5, Chatrapurvari Street, Visakhapatnam-1(O.A.1391/04)
28. Smt. S. Rajeswari, Family Pensioner, W/o-S.K. Viswanadham, Viswaraja Bhavan, Madhusudan Nagar, Jatni-752050
29. Sri TRA Narasimham, S/o-Late Kameswara Sastry, Retd. D.S./Typing General Admn. Sai Nivas, near Sainaik School, Madhusudan Nagar, Jatani-7502050 (O.A. 1393/04.
30. Smt. G. Rajyalakshmi, W/o-Late G. Nageswara Rao, Retired PW-I Gr.II (Engineering) D.No.38-19-10/7, Jyothinagar, Visakhapatnam-18, (O.A. 1394/04)
31. Sri M.S. Rama Mohan Rao, S/o-Late MV Appa Rao, Retd. P.A. DRM Genl. (Administration) D.No. MIG/A25, Sheela Nagar, Visakhapatnam-12, (O.A. 1395/04)
32. Sri P.A. Ramachandra Rao, S/o- P. Surayanarayana Patnaik, Regd, D.S. Gr.II (Personnel) Plot No.4, P.M Palam, Visakhapatnam-41, (O.A. 1396/04)
33. Sri R. Madhava Rao, S/o-Late Balarama Dora, Retd. P.a. to C.A.O., Construction D.No.39-27-4, Appiyya Nagar, NH-5, Marripalem-18, (O.A. 1397/04)
34. Sri S.V.Krishna Murthy, S/o- S. Nageswara Rao, Regd. A.e.N., Engineering D.No.94, Susarala Colony, Visakhapatnam-27, (O.A. 1398/04)
35. Sri G. Raghunadha Rao, S/o-G. Lokanadham Regd. C.I.O.W. Engineering D. No.16-4-25, Official Colony, Maharani-peta, Visakhapatnam-02, (O.A. 1399/04)
36. Sri M. Lakshmayya, S/o-Late Ankaiah, Retd. C.I. Genl. D.No.44-13-09, Tatichetalapalam, Akkayyapalem, Visakhapatnam-16 (O.A.1400/04)
37. Sri R. Srinivasa Rao, S/o- Late Seshadri, Retd. SS OPTG, D. No.39-19-107, Madhavadara Opp. Kodanda Ramalayam, Visakhapatnam-7 (O.A.1401/04)
38. Sri P. Appa Rao, S/o-Appalaswamy Reddy, Retd. Sr. Section Officer,(Accounts), Flat No.1, Sagar Residency Appt. D.No.47-13-293, T.S.N. Colony, Visakhapatnam-16, (O.A.1402/04)
39. Smt. Ch. Suryakantam, Ex-Head-Typist, W/o-Late Ch. Rama Krishna Rao, C/o-Railway Quarter No.548/1, Jail Area, Visakhapatnam-4 (O.A.1403/04)



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40. Dinabandhu Kar, S/o-Late Muralidhar Kar, Retired Dy. S.S.,
Village-Jaypur, P.O- Sakhigopal, Dist-Puri, (O.A.1404/04)

..... Applicants

By the Advocate(s) Mr. D.P. Dhalsamant
P.K. Behera

Vs.

1. Union of India represented thorough the Secretary, Ministry of Finance, Govt. of India, New Delhi-110 001.
2. Secretary, Ministry of Pension & Trg. Department of Pension & Pension Welfare, Govt. of India, New Delhi-110 001.
3. Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
4. F.A. & C.A.O.(Con.), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist.Khurda.
5. General Manager, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda.

..... Respondent(s)

By the Advocate(s).....Mr Ashok Mohanty,
S.K. Ojha,
A.K. Sahoo

O R D E R

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Claiming higher gratuity at higher rate, ~~of~~ these 40 retired Railway pension holders had filed this present Original Applications under Section 19 of the Administrative Tribunals Act, 1985. Relaying upon the provisions of the gratuity Act, they raise the aforesaid claim. Respondents, by filing counter, have contested the matter.

2. Heard Mr. D.P. Dhalsamant, Ld. Counsel appearing for the Applicant and Mr. Ashok Mohanty, Ld. Sr. Counsel for the Railways (being assisted by Mr. S.K. Ojha Ld. Standing Counsel for the Railways) and perused the materials based on record.


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3. It appears the issues involved in this case was the subject matter of consideration by this Bench of the Tribunal in O.A.No.860/04 and (O.A. Nos.966 - 1083/04) which were disposed of on 21.09.07 by a Division Bench. In the said case after examination of the matter in ~~the~~ issue it was held as under:-

“ it clearly transpires that the Applicants, being retired railway employees, and having been granted pension under the Railway Services (Pension) Rules, 1993 as applicable to them cannot obviously be covered under Section 2(e) of the 1972 Act. Their claim is not only misconceived but is without any basis. Resultantly, the O.A. is dismissed. No costs.”

4. Since the issue involved in this case has already been answered, after being duly adjudicated, there remains nothing more to be examined/answered in the present case.

5. In the aforesaid premises these O.A.s are accordingly dismissed. No costs.


(M.R. MOHANTY)
VICE-CHAIRMAN