

क.प्र.भ. (प्रक्रिया, नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रारंभ)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

O.A. No. 231/2002 with M.A. No. 109/2002,

O.A. No. 52/2003 with M.A. No. 27/2003
and

O.A. No. 296/2003 with M.A. No. 156/2003

DATE OF ORDER: 14.09.2006

CORAM

HON'BLE MR. J K KAUSHIK, JUDICIAL MEMBER.

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER.

(1) O.A.No. 231/2002 with M.A. No. 109/2002

1. Retired Railway Employees Welfare Association (Registered No. 110), Bikaner Through B.D. Sandhir, General Secretary, resident of 4-D-145, J.N.V. Colony, Bikaner (Rajasthan).
2. Shri B.D. Sandhir son of Sh. Kartar Nath, caste Brahmin, retired Guard, Northern Railway, Bikaner resident of 4-D-145, J.N.V. Colony, Bikaner (Rajasthan).
3. B.D. Sharma son of Shri Chhoju Ram, caste Brahmin, retired Chief Goods Clerk, Northern Railway, resident of 7-A-27, South Extension Pawanpuri, Bikaner - 334003.

...Applicants.

VERSUS

1. Union of India, through General Manager, Northern Railway, Headquarter, Baroda House, New Delhi, at present Union of India through General Manager, Uttar Paschim Railway Hd. Quarters at Old Loco Colony Area, Jaipur.
2. Railway Board through its Secretary Rail Bhawan, Rafi Marg, New Delhi.
3. Divisional Railway Manager, Northern Railway Divisional Office, Bikaner at present Divisional Railway Manager, Uttar Paschim Railway, Divisional Office, Bikaner.
4. Sr. Divl. Personnel Officer, Northern Railway Bikaner, at present Divisional Personnel Officer, Uttar Paschim Railway, Bikaner Division, Bikaner.
5. Divisional Personnel Officer, Northern Railway Divisional Office, Bikaner, at present Divl. Personnel Officer, Uttar Railway Bikaner Division, Bikaner.

...Respondents.

Mr. M.K. Shrimali, counsel for the applicants.

Mr. Manoj Bhandari, counsel for the respondents.

(2) O.A. No. 52/2003 with M.A. No. 27/2003

1. All India Organization of Pensioners (Registered No. S/8361), Jodhpur, through its Secretary, Ummaid Ram Choudhary S/o Shri Ponna Ram Ji, aged about 73 years, R/o Plot No. 426, 1st 'D' Road, Sardarpura, Jodhpur (Raj.), Ex. Senior Stock Verifier from the office of Works, Accounts Office, North-Western Railway, Jodhpur.
2. Bagh Singh Choudhary S/o Shri Dev Raj Ji, aged about 73 years,



**COMPARED &
CHECKED**

38

417 -2- 52
R/o 64, Nehru Park, Jodhpur (Raj.), Ex. Mail Guard, DRM Office,
North-Western Railway, Jodhpur.

3. T.R. Verma S/o Shri-Tek Chand Ji, aged about 67 years, R/o B-55,
Saraswati Nagar, Basni Phase, Jodhpur (Raj.). Ex. P.A. to DRM,
North-Western Railway, Jodhpur.
4. Mangal Ram Nagar S/o Shri Bahadur Singh Ji, aged about 66 years,
R/o 4-Kha-17, Madhuban Colony, Basni 1st Phase, Jodhpur (Raj.) Ex.
Diesel Charge Man from the office of DME (Diesel), Bhagat Ki Koti,
North-Western Railway, Jodhpur.

...Applicants.

VERSUS

1. Union of India, through the General Manager, North Western
Railway, Jaipur (Raj.).
2. Railway Board, through its Secretary, Rail Bhavan, Rafi Marg, New
Delhi.
3. Divisional Railway Manager, North-Western Railway, Jodhpur (Raj.).
4. Divisional Personnel Officer, North-Western Railway, Jodhpur (Raj.).

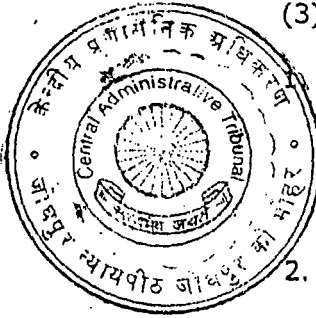
...Respondents.

Mr. S K Malik, counsel for the applicants.

Mr. M Godara, proxy counsel for

Mr. Vinit Mathur, counsel for the respondents.

(3) O.A. No. 296/2003 with M.A. No. 156/2003



1. Railway Pensioners' Association, Marwar Junction, Office : Near
Head Post Office, Ramnagar, Marwar Junction, Distt. Pali
(Rajasthan), through its President Sh. Pushp Kumar Mishra S/o Late
Sh. Ram Prasad Ji Mishra, Aged about 70 years, retired from the
post of Driver-A in the office of Loco Foreman, Rana Pratap Nagar,
North Western Railway, Udaipur (Rajasthan).
2. Sh. Ram Singh S/o Late Sh. Nawal Singh Ji, aged about 64 years,
R/o House No. 213, Ward No. 23, Sahapura Mohalla, Near Gibson
Hostel, Beawar (Rajasthan), retired from the post of Diesel Shunter,
in the office of Loco Foreman, North Western Railway, Abu Road,
(Rajasthan).
3. Sh. Madan Lal Sharma S/o Late Sh. Shri Ram Ji Sharma, aged about
72 years, R/o Main Bazar, Sojat Road, Distt. Pali, (Rajasthan),
retired from the post of Diesel Driver Grade C, in the office of Loco
Foreman, North Western Railway, Abu Road, (Rajasthan).

...Applicants.

VERSUS

1. Union of India, through the General Manager, North Western
Railway, Jaipur (Rajasthan).
2. Railway Board, through its Secretary, Rail Bhawan, Rafi Marg, New
Delhi.
3. Divisional Railway Manager, North Western Railway, Ajmer Division,
Ajmer (Rajasthan).
4. Divisional Personnel Officer, North Western Railway, Ajmer Division,
Ajmer (Rajasthan).

...Respondents.

Mr. S K Malik, counsel for the applicants.

Mr. M Godara, proxy counsel for

Mr. Vinit Mathur, counsel for the respondents.

(Per Hon'ble Mr. J K Kaushik, Judicial Member)

4/8

11/12

O.A. No. 231/2002 with M.A. No. 109/2002, O.A. No. 52/2003 with M.A. No. 27/2003 and O.A. No. 296/2003 with M.A. No. 156/2003, involve similar facts and a common question of law and they are being decided through a common order.

2. In these cases, a question of grant of benefits of enhanced gratuity due to addition of certain portion of dearness pay to the basic pay which was given to those employees who retired or died on or after 01.04.1995 is involved. All the applicants and the affected persons retired from service prior to a cut off date i.e. 01.04.1995. The benefits of enhanced gratuity due to addition of certain portion of dearness pay to the basic pay was allowed to the employees who retired after 01.04.1995. The said cut off date has been challenged on numerous grounds. The applicants have claimed for the similar benefits as was extended to the retirees etc. after the said cut off date.



3. We have heard learned counsel representing the contesting parties and carefully perused the records and pleadings of these cases. At the very outset, learned counsel for the applicants have shown an extraordinary fairness and has produced a judgment of the Hon'ble Apex Court in the case of **State of Punjab and Ors. vs. Amar Nath Goyal and Ors.** reported in 2005(2) SC SLJ 177, wherein the identical controversy has been adjudicated upon and set at rest. The issue therefore does not remain res integra. Our attention was drawn to the relevant portion of the judgment and we find it expedient to reproduce the head note 'A' and 'B' for the purpose of deciding of these Original Applications.

419

"(A) Constitution of India, Article 14 – Central Civil Services (Pension) Rules, 1972 – Gratuity – Benefit of enhanced gratuity due to addition of certain portion of the dearness pay to the basic pay was given to those employees who retired or died on or after 1-4-1995 vide notification dated 13-12-1996 – Government fixed the cut off dated 1-4-1995 after calculating the financial implications – Cut off date not arbitrary or irrational – No violation of Article 14 of the Constitution – High Court and Tribunal not right in directing that the employees who had retired between 1-7-1993 and 31-3-1995 were also eligible for the benefits of enhanced gratuity.

(B) Constitution of India, Article 14 – Gratuity – Financial Constraints – Fixing of a cut off date for giving the benefit of enhanced gratuity after considering the financial constraints cannot said to be discriminatory, irrational or violative of Article 14 of the Constitution."

On the other hand, learned counsel for the respondents feel more than happy in the matter and agrees to the same. We have no hesitation to apply the aforesaid ratio to the facts of these cases ; rather we are bound by the same. If that were so no fault can be fastened with the action of the respondents in denying benefits as prayed for.



In the premises, Original Application No. 231/2002 with Misc. Application No. 109/2002, Original Application No. 52/2003 with Misc. Application No. 27/2003 and Original Application No. 296/2003 with Misc. Application No. 156/2003 sans merits and the same stand dismissed with no order as to costs.

Sd/-
[J.P.SHUKLA]
MEMBER[A]

Sd/-
[J.K.KAUSHIK]
MEMBER[J]

kumawat

[Signature]
Dy. Registrar
2. A. T. JODHPUR

R/C
29/9/06
[Signature]
9
21/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

1/20

ORDER SHEET

MISC. APPLICATION NO. 27 OF 2003 in O.A. No 52/2003

Applicant(s) All India Organisation of pensioners Respondent(s) U.O.D. Govt

Advocate for

Applicant(s) Mr. S.K. Malik

Advocate for

Respondent(s)

Notes of the Registry

Orders of the Tribunal

This is a Misc. Application filed by the petitioner up. 21 of CAT. Act, 1985, for condonation of delay for filing original Application.

It is a SMC. Case and pertains to the jurisdiction of Jodhpur Bench.

On scrutiny it has found in orders.

Malik 13/2/03
S.O. (Judl.) 13/2/03

17/02/2003

Mr. S.K. Malik, Counsel for the Applicant

Register. Put up in Court for admission on 19/02/2003.

19/02/2003

By S.K. Malik
REGISTRAR
C.A.T. JODHPUR

19/02/2003

Mr. S.K. Malik, Counsel for applicant.

In view of the order passed in O.A., the m/o be listed before the Division Bench on 3/3/03 for admission alongwith O.A.

J.K. Kaushik
J.K. KAUSHIK

4/21

3-3-2003

Mr. S. K. Malik counsel for applicants.

D.B. not formed.

Put up on 1-4-2003 for admission

(G. L. GUPTA)
Vice Chairman

1-4-2003

Mr. S. K. Malik counsel for applicants.

D.B. not formed.

Put up on 2-5-2003 for admission.

(G. L. GUPTA)
Vice Chairman

8/5/03

Mr. S. K. Malik, Counsel for applicant.

Bench is not formed. Put up

on 26/05/2003 for admission alongwith off.

Madhusudan
Dy. Registrar
CAT, JODHPUR

26-5-03

Mr. S. K. Malik counsel for applicants.

Heard:

Issue notice to the
respondents returnable by 4-8-2003.

(*Prof. C. L. Srivastava*)
Member (A)

Ju
(G. L. Gupta)
Vice Chairman

Compliment made
Ref

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

7/22

m. APPLICATION NO. 27 OF 03.

Applicant(s)

Respondent(s)

Advocate for
Applicant(s)

Advocate for
Respondent(s)

Notes of the Registry

Orders of the Tribunal

4.9.03

Mr. Daya Ram, Counsel for the applicant.
Mr. Vinit Mathur, Counsel for the respondents.
D.B. not formed. Put up
for admission on 3-9-03.

(G. E. GUPTA)
Vice Chairman

3/9/03

Mr. Daya Ram, Counsel for applicant.
Mr. Vinit Mathur, Counsel for Respondents.
Bench is not formed. Put
up on 14/10/2003 for admission.

DEPUTY REGISTRAR
केन्द्रीय प्रशासनिक अधिकरण
CENTRAL ADMINISTRATIVE TRIBUNAL
जोधपुर न्यायपीठ, जोधपुर
JODHPUR BENCH, JODHPUR

14.10.03

Mr. Daya Ram, Counsel for applicant.
Mr. Vinit Mathur, Counsel for respondents.
D.B. not formed. Put
up for admission on 18-11-03.

G. R. PATWARDHAN
Adm. Member

Reply not filed
23/9

Reply
not filed
3/10

Reply not
filed
13/11

18.11.03

2/23

Mr. S.K. Malik, Counsel for applicant.

Mr. Vinit Mathur, Counsel for respondents.

D.B. not formed. Put

up for admission on 5-12-03 along

with O.A. No. 52/03.

G. R. PATWARDHAN
Adm. Member

5.12.03

Mr. S.K. Malik, Counsel for applicant.

Mr. Vinit Mathur, Counsel for respondents.

D.B. not formed

Put up for admission on 23-1-04.

G. R. PATWARDHAN
Adm. Member

23/1/04

Mr. S.K. Malik, Counsel for applicants.

Mr. M. Godara, Adv. board holder for

Mr. Vinit Mathur, Counsel for respondents.

D.B. is not formed.

Put up on 20/02/2004 for

admission along with O.A.

J. K. KAUSHIK
Judl. Member

Reply
not
filed
5/11

Reply
not
filed
15/11

Reply
not
filed
5/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

I/24

ORDER SHEET

Misc.

APPLICATION NO. 27 OF 2003 in OR 52/2003

Applicant(s)

Respondent(s)

Advocate for
Applicant(s)

Advocate for
Respondent(s)

Notes of the Registry

Orders of the Tribunal

20/2/04

Mr. S.K. Malik, Counsel for applicants.

Mr. Vinod Mathur, Counsel for respondents.

Let the matter be listed
on 16/04/2004 for admission alongwith
O.A.

[M.K. Misra]
member (A)

[M.L. Chaudhary]
member (J)

Reply
not filed

16/4/04

None present for applicants.
Mr. Vinod Mathur, for respondents.

Let the case be listed
on 16/7/2004 alongwith its O.A.

G. B. PATWARDHAN
Adm. Member

[M.L. Chaudhary]
member (J)

16/7/04

Mr. S.L. Nagle, to applicants.
Mr. Vinod Mathur, to respondents.

Let the matter be listed along
with the O.A. to admission on 13/8/04.

[M.K. Misra]
Adm. Member

[M.L. Chaudhary]
member (J)

Reply not
filed

HONG KONG
CHINA

13.0.04

2/25

None present for the parties.

202/5 Put up for admission
on 17-2-04 alongwith O.A.

G. R. PATWARDHAN
Adm. Member

J. K. KAUSHIK
Judl. Member

17/09/04

Mr. S.K. Malik, Counsel for the applicant
Mr. M. Godara, Proxy Counsel for
Mr. V. Mathur, for the respondent.
Put up for admission on
15-11-04 alongwith O.A.

J. K. KAUSHIK
Judl. Member

15.10.04

Mr. S.K. Malik, Counsel for applicant
Mr. M. Godara, Proxy Counsel for
Mr. Vinit Mathur, Counsel for the respondents
Put up for admission
on 3-12-04 alongwith O.A.

G. R. PATWARDHAN
Adm. Member

J. K. KAUSHIK
Judl. Member

3.12.04

Mr. S.K. Malik, Counsel for applicant
Mr. M. Godara, Proxy Counsel for
Mr. Vinit Mathur, Counsel for Respondents
Put up for admission
on 7-1-05 alongwith O.A.

G. R. PATWARDHAN
Adm. Member

KULDIP SINGH
Vice Chairman

Reply not
filed

Reply
not
filed

Reply
not
filed

I/26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

MIS. APPLICATION NO. 27/2002

07-01-2005

On account of the sad demise of Shri R.P. Dave, Advocate, the Advocates are not appearing in the Court. As such the case may be listed for admission on 18/2/05.

M. K. MISRA
M. K. MISRA
Adm. Member

J. K. KAUSHIK
J. K. KAUSHIK
Judl. Member

18.02.05

Mr. Daya Ram, Counsel for applicant

Mr. M. Godara, Proxy Counsel for

Mr. V. Mathur, for respondents.

list the case on 08/04/05 alongwith

its O.A. *see*

G. R. PATWARDHAN
G. R. PATWARDHAN
Adm. Member

J. K. KAUSHIK
J. K. KAUSHIK
Judl. Member

08.04.05

Mr. S. K. Malik, Counsel for applicant

Mr. M. Godara, Proxy Counsel for

Mr. V. Mathur, for respondents.

list the case on 06.05.05 alongwith

its O.A. *see*

G. R. PATWARDHAN
G. R. PATWARDHAN
Adm. Member

J. K. KAUSHIK
J. K. KAUSHIK
Judl. Member

copy not
filed
30/3

6-9-05

I/27

None is present for applicant as the
members of the Bar are on strike.
Mr. Vinit Mathur, Counsel for the Respondents

List the case on

15-7-05 alongwith its OA.

Reshm
8/2

G. R. PATWARDHAN
Adm. Member

KULDIP SINGH
Vice Chairman

15.07.2005

Mr. Daya Ram, counsel for the applicant.
Mr. Vinit Mathur, counsel for the respondents.

List the matter on 16.09.2005
alongwith its O.A.

(G R Patwardhan)
Adm. Member

(J K Kaushik)
Judl. Member

16-9-05

Mr. Daya Ram counsel for applicant.
Mr. Vinit Mathur, Counsel for Respondents

Reshm
13/9/05

D.B not formed. List the
case on 11-11-05 alongwith its OA.

By Order
NLS
COURT OFFICER

Reshm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

I/28

ORDER SHEET

M. A. No. 27/03 In
O. APPLICATION NO 52 OF 03

Applicant (s)

Respondent (s)

Advocate for
Applicant (s)

Advocate for
Respondents (s)

Notes Of the Registry

Orders Of The Tribunal

11.11.05

Mr. S.K. Malik, Counsel for applicant.
Mr. M. Godaria, Proxy Counsel for
Mr. V. Mathur, for respondents.

D.B. not formed.

List the case 13.01.06 for
admission along with its O.A.

By Order

COURT OFFICER

13.01.06

Mr. D. Ram, Counsel for applicant.
Mr. V. Mathur, Counsel for respondents.
D.B. not formed.

Put up the case on
17.02.06 for admission along with
its O.A.

By Order

COURT OFFICER

17.2.06

Mr. D. Ram Counsel for applicant
Mr. Vinit Mathur, Counsel for respondents

D.B. not formed but up for
admission on 21-4-06 along with its O.A.

By Order

deloit

COURT OFFICER

21-4-06

2/29

Mr. S. K. Malik, Counsel for applicant.
Mr. Vinay Mathur, Counsel for respondents.
D.B. not formed but

up for admission on 7-7-06

By Order

[Signature]
COURT OFFICER

7-7-06

Mr. S. K. Malik, Counsel for applicant.
Mr. Vinay Mathur, Counsel for respondents.
D.B. not formed but

up for admission on 1-9-06

By Order

[Signature]
COURT OFFICER

1-9-06

Mr. S. K. Malik, Counsel for applicant.
Mr. Vinay Mathur, Counsel for respondents.
D.B. not formed but
up for admission on 14-9-06.

By Order

[Signature]
COURT OFFICER

Mr. S. K. Malik, Counsel for applicant.
Mr. Vinay Mathur, Counsel for respondents.
D.B. not formed but
up for admission on 14-9-06.

By Order

[Signature]
COURT OFFICER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

APPLICATION NO.....OF

5/30

Applicant(s)

Respondent(s)

Advocate for
Applicant(s)

Advocate for
Respondent(s)

Notes of the Registry

Orders of the Tribunal

MA No. 27/2003 in O.A. No. 52/2003
Date of order: 14.09.2006

Mr. S K Malik, counsel for the applicants.
Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

In view of the order passed in OA, the MA does not
survive and stands dismissed.


(J P Shukla)
Administrative Member


(J K Kaushik)
Judicial Member

Part II and III destroyed
in my presence on.....
under the supervision of
Section officer () as per
order dated...../...../.....

Section officer (Record)

comp. no. 52/04

Re
~~Adm~~
1977