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**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

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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,

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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.

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ORDER

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

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 reproduced the head note 'A' and 'B' for the purpose of deciding of these Original Applications.



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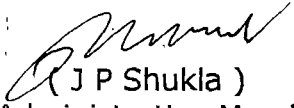
"(A) Constitution of India, Article 14 – Central Civil Services (Pension) Rules, 1972 – Gratuity – Benefit of enhanced gratuity due to addition of certain portion of the dearness pay to the basic pay was given to those employees who retired or died on or after 1-4-1995 vide notification dated 13-12-1996 – 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.

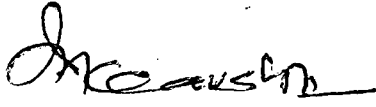
(B) Constitution of India, Article 14 – Gratuity – Financial Constraints – Fixing of a cut off date for giving the benefit of enhanced gratuity after considering the financial constraints cannot said to be discriminatory, irrational or violative of Article 14 of the Constitution."

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.


(J P Shukla)
Administrative Member


(J K Kaushik)
Judicial Member

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