

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 141/2012

Jodhpur this the 7th day of October, 2014

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial),
Hon'ble Ms. Meenakshi Hooja, Member (Administrative)**

Legal Representative of late Shri Bulaki Das Harsh

1. Lalit Kumar Harsh
2. Durga Dutt Harsh

r/o C/o Lalit Kumar Harsh, Quarter No.T-83B, New Loco Colony,
Jodhpur

.....Applicant

By Advocate: Mr. B.K.Vyas

Versus

1. Union of India through General Manager Northern Western Railway, Headquarter, Jaipur
2. Divisional Railway Manager, Northern-Western Railway, Jodhpur
3. Senior Divisional Manager Personal Officer, Northern-Western Railway, Jodhpur
4. Senior Affairs Officer, F.A. & C.A.O. Northern-Western Railway, Jaipur

.....Respondents

By Advocate : Mr. Vinay Chhipa

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

The applicant has filed this OA u/s 19 of the Administrative Tribunals Act in view of non-consideration of the case of applicant for

final payment of revised pay scale and its arrears as calculated vide order dated 16.7.2007 for want of sanction of Railway Board, despite various representations as well as legal notices, and has therefore, prayed for the following reliefs:-

- (i) by an appropriate order or direction, the respondents be directed to settle the outstanding claims of arrears payment within reasonable period fixed by Hon'ble Tribunal;
- (ii) by an appropriate order or direction, the respondents be directed to pay interest @ 18% per annum on the outstanding amount from the date of actual payment of arrears.
- (iii) Any other order or direction, which this Hon'ble Tribunal, deems fit and proper in the facts and circumstances of the case, may kindly be passed in favour of the applicant.

2. Brief facts of the case, as averred by the applicant, are that on attaining the age of superannuation the applicant retired from the post of STTE/CTI/JU vide order dated 31.7.2007 from North Western Railway, Jodhpur. In this reference, a Pension Payment Order (PPO) dated 27.7.2007 was issued. Respondent No.2 also issued revised pay fixation order on 16.7.2007 (Ann.A/3) revising the pay of the applicant. The applicant also served a notice for demand of justice to the DRM, North Western Railway, Jodhpur on 5.11.2008. In pursuance to the revised fixation order dated 16.7.2007 revised PPO dated 25.4.2009 (Ann.A/5) was issued. Thereafter the applicant approached the railway authorities by way of representations but no relief has been given by the respondents and the applicant was informed vide impugned letter dated 4.11.2011 (Ann.A/1) that the arrears of pay fixation is more than 10 years' old and for its payment

sanction of the Railway Board is necessary. Therefore, as soon as sanction of the Railway Board is received, the payment of arrears will be arranged. The applicant has averred that a period of more than 4 $\frac{1}{2}$ years has elapsed but the payment of arrears has not been made for want of sanction from the Railway Board. Therefore, aggrieved of the action on the part of the respondents, the applicant has filed this OA praying for the reliefs as extracted above.

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3. By way of reply to the OA, the stand of the respondents is that they have already taken necessary steps for redressal of the applicant's grievance and for making payment of due arrears to the applicant. The respondents have further submitted that the matter is under consideration before the Railway Board, New Delhi and as soon as the necessary approval of the Railway Board for waiving off the verification of old drawn payment beyond the period of 10 years is received, due arrears will be arranged to the applicant.

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4. During the pendency of the OA, the applicant expired on 11.12.2012 and his Legal Representatives were brought on record vide order dated 9.4.2013.

5. Applicant/LRs of the applicant have filed rejoinder to the reply and the respondents have also filed additional affidavit reiterating their respective stands.

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6. Heard both the counsels. Counsel for the applicant contended that the applicant retired in July, 2007 and PPO dated 27.7.2007 was issued to the applicant. Respondent No.2 issued revised pay fixation order on 16.7.2007 revising pay of the applicant and pursuant to this order, revised PPO dated 25.4.2009 was issued. He further submitted that determination of pay fixation was defective and arrears on account of revised pay fixation have not been paid despite legal notice and representations. Subsequently, he received letter dated 4.10.2011 saying that as the arrears of pay fixation are more than 10 years old, therefore, sanction of the Railway Board is required in the matter and the matter has been referred to the Railway Board alongwith 31 other cases. As the railway authorities are not deciding the matter for a long period, therefore, the applicant is facing hardship and prays for payment of due outstanding amount with interest.

7. Counsel for the respondents contended that as the payment relates to a period which is more than 10 years old, the same has been referred to the Railway Board, as may be seen from various communications including letter dated 11.2.2011 (Ann.R/3) and recent communication dated 26.2.2014 (Ann.R/10).

8. Both the learned counsels admit that the matter is under consideration of the Railway Board, therefore, in the interest of justice, we propose to dispose of the OA with certain directions:-

The respondents are directed to decide the matter of payment of arrears on account of revised pay fixation of the applicant in view of various documents submitted by the respondents including Ann.R/3 and R/10 and further to disburse it to the legal heirs as per law, within a period of six months from the date of receipt of a copy of this order.

9. The OA stands disposed of accordingly with no order as to costs.

Meenakshi
(MEENAKSHI HOOJA)

Administrative Member

K.C.Joshi
(JUSTICE K.C.JOSHI)

Judicial Member

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Dr. K. M. S.