

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 432 of 1995

Wednesday, this the 17th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. T.S. Subramania Iyer,
T.C.40/264, 2nd Puthen Street,
Thiruvananthapuram - 695 009
(Retired Additional Divisional Railway Manager,
Southern Railway, Coimbatore,
Palghat Division). .. Applicant

By Advocate Mr. P.K. Madhusoodhanan

Versus

1. The General Manager,
Southern Railway, Park Town,
Madras-3

2. Union of India represented by
its Secretary, Ministry of Railways,
Rail Bhavan, New Delhi. .. Respondents

By Advocate Mr. K.V. Sachidanandan (represented)

The application having been heard on 17th July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant, a retired Additional Divisional Railway Manager, seeks a direction to respondents to pay him gratuity and commuted value of pension, with interest thereon.

2. Applicant's request in this behalf was rejected by respondents by Annexure A-4 order, the only virtue of which is brevity. Yet, it is too brief, unsupported by reasons and bears the face of Sphinx. It reads:

"your request for payment of gratuity and commutation of pension at the enhanced rate (on revised pension) is not agreed to".

contd...2

3. It is settled law that an order causing adverse civil consequences to a citizen, can be made only after application of mind, and it must bear the reasons therefor on the face of it.

4. Quite apart from that, respondents should have ascertained whether it was open to them at all, to have denied the benefits claimed, having regard to the observations made by the Madras Bench of this Tribunal in OA No. 999/92 and the specific directions issued in this regard. Annexure A-4 cannot stand and we quash the same. First respondent will take appropriate action pursuant to the order of the Madras Bench hereinbefore mentioned, also bearing in mind the definition of pension in Rule 3(19) of the Railway Services (Pension) Rules, 1993.

5. Original Application is allowed with costs which we fix at Rs.1500/- (Rupees One Thousand Five Hundred).

Dated the 17th July, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexure:

1. Annexure A4: True copy of letter No.P(G)353/IV/TSS/41/92 dated 18/3/94 sent by 1st respondent.