

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.492/12

Monday this the 29th day of July 2013

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

N.P.Karthikeyan,
S/o.M.G.Padmanabha Pillai,
Retd. Station Master Gr.I, Deputy Station Manager,
South Western Railway, Mysore Division.
Residing at Peace Nest, Kallekulangara P.O.,
Palakkad – 678 009.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Railways (Railway Board),
Rail Bhavan, New Delhi – 110 001.
2. The General Manager, South Western Railway,
Headquarters Office, Hubli, Dharwar District,
Karnataka – 580 020.
3. The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai – 600 003.
4. The Chief Personnel Officer,
South Western Railway, Headquarters Office,
Hubli, Dharwar District, Karnataka – 580 020.
5. The Divisional Railway Manager,
South Western Railway, Mysore Division,
Mysore – 570 021.
6. The Divisional Personnel Officer,
South Western Railway, Mysore Division,
Mysore – 570 021.

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7. The Sr. Divisional Finance Manager,
South Western Railway, Mysore Division,
Mysore – 570 021. ... Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 29th July 2013 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is a retired Station Master Gr.I of South Western Railway, Mysore Division. He is aggrieved by the alleged improper fixation of his pension and other retirement benefits consequent upon his superannuation on 31.8.2011 as per the Annexure A-1 Pension Payment Order dated 24.8.2011 issued by the 7th respondent.

2. The applicant joined the service on 14.4.1977. According to him, as his service from 14.4.1977 till his superannuation on 31.8.2011 was meritorious, his entire period shall be counted for reckoning for his terminal benefits. However, the respondents have counted the service only from 12.8.1997 to 31.8.2011. However, according to the respondents, the applicant had participated in all India strike called upon by the railway employees on 11.8.1997 and the respondents imposed upon the applicant the penalty of break-in service. As a result his service from 14.4.1977 to 11.8.1997 has not been counted for any pensionary benefits.

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3. The learned counsel for the applicant submitted that this issue has already been considered by the Co-ordinate Bench of the Tribunal in O.A.955/10 – K.Aboobacker Naha vs. Union of India and others and the operative part of the same is as under :-

"9. In the above facts and circumstances of the instant O.A, I am of the considered view that the impugned Annexure A-1 order dated 29.09.09 is liable to be quashed to the extent it calculates the applicant's pension and other retirement benefits only for the service rendered between 12.08.97 to 30.06.08., being discriminatory, arbitrary and contrary to law. Ordered accordingly. The respondents are directed to refix the pension of the applicant, commuted value of pension, retirement gratuity, leave salary etc. duly reckoning the entire service of the applicant from 01.04.1971 to 30.06.2008 with all consequential benefits of arrears of pension arising therefrom with interest @ 8% per annum calculated from 01.09.2008 on all payments of retirement benefits till the date of full and final settlement of the same within a period of 60 days from the date of receipt of a copy of this order."

4. I have heard the learned counsel for the parties. Counsel for the respondents has not disputed that this case is identical to the aforesaid order of the Co-ordinate Bench of this Tribunal. However, his submission is that the aforesaid order of this Tribunal has already challenged before the Hon'ble High Court of Kerala in O.P.(CAT) No.2943/12 and the same is pending and the High Court has stayed the same. He has, therefore, submitted that this case may be adjourned sine-die awaiting the decision of the aforesaid O.P.(CAT). However, considering the fact that the stay order in case by a higher judicial forum is not indicative of final adjudication of case, I allow this O.A on the same terms and conditions as in O.A.955/10 (supra). Consequently, I quash and set aside Annexure A-1 dated

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24.8.2011 to the extent that it calculates the applicant's pension and other retirement benefits only for the service rendered between 12.8.1997 to 31.8.2011. I also declare that the applicant is entitled to reckon the whole of his service from 14.4.1977 to 11.8.1997 for the purpose of his pension and other retirement benefits and direct the respondents to grant all consequential benefits. Of course, it goes without saying that implementation of this order will be subject to the outcome of the aforesaid O.P.(CAT) No.2943/12. There shall be no order as to costs.

(Dated this the 29th day of July 2013)



GEORGE PARACKEN
JUDICIAL MEMBER

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