

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 540 of 1998.

Tuesday this the 12th day of October, 1999.

CORAM:

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

N.T. Francis

S/o Thechappan,

Retired Tindal, Section Engineer

(Bridges) Office, Southern Railway,

Quilon, Trivandrum Division,

residing at Neelankavil House,

Attathara, Kundanoor P.O.,

Via, Vadakkanchery,

Trichur District.

.. Applicant

(By Advocate Shri V.R. Ramachandran Nair)

Vs.

1. Union of India represented by
the General Manager,
Southern Railway, Park Town,
Madras -600 003.

2. The Divisional Railway Manager,
Southern Railway, Trivandrum.

3. The Senior Divisional Personnel
Officer, Southern Railway,
Trivandrum.

.. Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 12th October, 1999,
the Tribunal on the same day delivered the following:

O R D E R

The applicant who was initially engaged as Man Mazdoor under the Permanent Way Inspector, Trichur was further engaged as Mapila Khalasi, under the Bridge Inspector, Irinjalakkuda. He retired as Tindal Bridge Erection on 31.10.1997.

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2. He sought the following reliefs:

- (i) To issue a direction to the respondents to count the service of the applicant from 8.10.1975 to work out the qualifying service and to grant the pension and all consequential benefits in accordance with law.
- (ii). To declare that the applicant is eligible for pension, counting the 50% of the casual service also from 8.4.1976 on completion of six months continuous service.
- (iii) To issue a direction to the respondents to grant all other benefits due to the applicant such as balance gratuity, pay and allowances, leave encashment etc. based on the revised fixation of pay from 1.1.1996 with all consequential benefits.

3. However during the course of arguments the learned counsel for the applicant submitted ^{that} as per the decision of the Hon'ble Supreme Court in Union of India and others Vs. K.G. Radhakrishna Panicker, (JT 1998 (3) SC 680), the relief sought on this ground cannot be granted and be treated as withdrawn. The learned counsel for the respondents relying on the said decision stated that in view of this, no relief can be granted.

4. As regards the arrears of pay and allowances, consequent to the implementation of Fifth Central Pay Commission recommendation, the learned counsel for the respondents submitted that (It has been admitted in the reply statement) the first instalment of arrears of pay and allowances amounting to Rs. 7,478/- had been already claimed as per Bill No.E/678/TVC dated 19-1-98 for effecting payment to the applicant. An action has also been initiated for ^{the} payment of second instalment of arrears amounting to Rs.2,478/- arising out of revision of gratuity, leave salary etc.

5. In view of the statement made by the learned counsel for the respondents and accepted by the learned counsel for the applicant this issue becomes infructuous.

6. Considering these facts and circumstances of the case, the Original Application is dismissed. No costs.

Dated the 12th October 1999.


J.L. NEGI

ADMINISTRATIVE MEMBER

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