

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.140/2001

Monday, this the 27th day of May, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

G.Appukuttan,  
(Retired Lubricating Fitter),  
Southern Railway, Coonnoor,  
Residing at: Chellamma Bhavanam,  
Mariyathuruthi,  
Kudayampadi.P.O.  
Kottayam District.

- Applicant

By Advocate Mr TA Rajan

Vs

1. Union of India represented by  
the General Manager,  
Southern Railway,  
Chennai.
  2. The Senior Divisional Personnel Officer,  
Southern Railway,  
Palakkad.
  3. The Divisional Accounts Officer,  
Southern Railway,  
Palakkad.
- Respondents

By Advocate Mr Thomas Mathew Nellimoottil

The application having been heard on 27.5.2002 the Tribunal on  
the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN


The applicant, a retired Lubrication Fitter of the  
Southern Railway, has filed this application for a declaration  
that the non-granting of the difference in his pay from 1.1.96

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to 30.4.97 and the difference in leave salary consequent to the implementation of the recommendations of the Vth Central Pay Commission to the applicant is illegal and for a direction to the respondents to grant the difference in pay from 1.1.96 to 30.4.97 and the difference in leave salary with 18% interest.

2. The respondents in their reply statement and additional reply statement have contended that the difference in leave salary as also the difference in pay consequent on the implementation of the Vth Central Pay Commission Report have already been given to the applicant. The respondents have produced Annexures-R1(a) and R1(b), the true extract of the acquittance by the applicant on receipt of the arrears of pay and allowances.

3. The applicant in his rejoinder affirmed that he has not been given the arrears of pay and allowances while he admit that the difference in leave salary had been given to him after filing this O.A. Thus the remaining dispute is only regarding the receipt of the arrears of pay and allowances amounting to Rs.7660/- by the applicant, as is seen from the acquittance Annexure-R1(a) and R1(b). As agreed to by the learned counsel on either side, the respondents were directed to forward the admitted signatures of the applicant as also the disputed signatures in Annexure-R1(a) and R1(b) for examination by an Expert, initially at the cost of the respondents and to be borne by the party concerned depending upon the outcome of such examination. The respondents

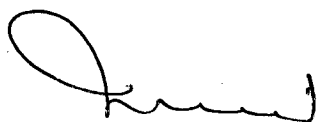


forwarded the disputed signatures as also admitted signatures of the applicant to the Expert for examination, as directed. The entire file relating to the examination by the Expert was made available for our perusal in a sealed cover.

4. We have gone through the entire documents on record as also perused with meticulous care the file relating to the examination of the disputed signatures and admitted signatures of the applicant by the Expert and his report. The Expert, on a thorough examination of the dispute, came to the conclusion that the disputed signatures as also the admitted signatures of the applicant were put by the same person. We are satisfied that the report has been made by the Expert on a proper examination of the disputed signatures. The contention of the applicant that he did not receive the money has therefore, only to be rejected.

5. In the result, the claim of the applicant for payment of arrears of pay and allowances is rejected. Accordingly the application is dismissed directing the applicant to pay to the respondents a sum of Rs.3000(Rupees three thousand) which is the fee paid by the Railway Administration to the Expert for examination of the disputed signatures. There is no order as to costs.

Dated, the 27th May, 2002



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

trs

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of applicnat's pension calculation sheet under No.J/P 626/IX/4/97/56 dated 2.4.97 issued by the 2nd respondent.
2. A-2: True copy of order No.P.500/PGT/P/15071 dated 13.7.98 of the 3rd respondent.
3. A-3: True copy of the lawyer notice dated 21.6.2000 issued on behalf of the applicant addressed to the 2nd respondent.
4. A-4: True copy of letter No.J/P.69/P dated 10.4.2001 of the 2nd respondent.

Respondents' Annexures:

1. R-1(a): True copy of the acquittance received by the petitioner.
2. R-1(b): True copy of the acquittance received by the petitioner.
3. R-2: A true copy of the fresh working sheet.
4. R-3: Photostat copy of letter dated 22.7.01 of the Permanent Way Inspector, Southern Railway, Coonoor.
5. R-4 Series: Photostat copy of settlement Papers submitted by the Applicant.
6. R-5: True copy of report No.T.No.6805/2001 Doc.409/2001 dated 10.12.2001 issued from the Forensic Sciences Department, Govt. of Tamil Nadu.

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