

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.3/2002

Dated Monday this the 22nd day of March, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER  
N.Kuppu Gounden  
S/o Nainar Gounder  
Retd. Mail Driveer, Coonoor  
Residing at  
Chinna Nagalur Kuttu Vlavu  
Sarakkappalliyur P.O.  
Omalur Tk.  
Salem District.

Applicant.

(By advocate Mr.T.C.Govinda Swamy))

Versus

1. Union of India represented by  
The Secretary to the Government of India  
(Chairman, Railway Board)  
Ministry of Railways  
New Delhi.
2. The General Manager  
Southern Railway, Headquarters Office  
Park Town P.O.  
Chennai.
3. The Financial Adviser & Chief Accounts Officer  
Southern Railway, Headquarters Office  
Park Town P.O.  
Chennai.
4. The Divisional Accounts Officer  
Southern Railway  
Palghat Division  
Palghat.
5. The Senior Divisional Personnel Officer  
Southern Railway  
Palghat Division  
Palghat.

Respondents.

(By advocate Mrs.Rajeswari Krishnan)

The application having been heard on 22nd March, 2004 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant has filed this application challenging the Railway Board's letter No.E(P&A)II-2001/RS-4 dated 30.7.2001 (Annexure A1) regarding calculation of average emoluments of

running staff who retired between 1.1.1996 and 30.9.96 for the purpose of pension. The impugned letter is challenged on various grounds. The applicant seeks to set aside A1 and for a direction to the respondents to allow the applicant to continue to draw the pension in terms of A-2.

2. The respondents have filed a reply statement defending A-1 and opposing the grant of reliefs prayed for in the application.

3. Today when the application came up for hearing, the learned counsel of the applicant submitted that the respondents themselves have issued an order dated 26.2.04 modifying the A-1 order and granting the benefit as sought by the applicant in the OA. He stated that in view of the order dated 26.2.04 amending the Railway Board's letter dated 30.7.2001, the application has become infructuous and the same may be closed.

4. In the light of the above submission by the learned counsel of the applicant, we close this application without any further directions as the respondents have themselves granted the benefit to the applicant by issue of Railway Board's letter dated 26.2.04. No order as to costs.

5. A copy of the Railway Board's letter dated 26.2.2004 shall be retained in the files.

Dated 22nd March, 2004.

H. P. Das  
ADMINISTRATIVE MEMBER

aa.

  
A.V. HARIDASAN  
VICE CHAIRMAN