

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.

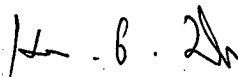
2. The respondents have filed a reply statement defending A-1 and opposing the grant of reliefs prayed for in the application.

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



A.V. HARIIDASAN
VICE CHAIRMAN

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