

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NOS. 298/92, 301/92, 627/92, 706/92
and O.A. 914/92 & 1269/92

Friday this the 28th day of January, 1994

CORAM

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
THE HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A. 298/92

1. Khairunisa, W/o Sheik Mohammed Khasim,
Door No.1, Kannachanthodu Road, Cochin.18.
2. Sujatha Balakrishnan, W/o M.V.Balakrishnan
Kalamangalathu Parambil House,
No.43/1405, SRM Road, Pachalam PO.
3. C.D.Cicily, W/o P.X.Thoas
Palathengal Manayil House,
Vaduthala PO, Cochin.23. Applicants

(By Advocate Mr.P.Sivan Pillai)

Vs.

1. Union of India through the General Manager
Southern Railway, Madras.3.
2. The Chief Personnel Officer, Southern Railway,
Madras.3.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum. Respondents

(By Advocate Mrs.Sumati Dandapani)

O.A. 301/92

1. M.U.Surendran, Retired Shunter,
Kalamangalath House, XLIV/817, Kochi.12.
2. A.R.Sunderraj, Retired Shunter
42/C Rly.Quarters, ERGColony, Kochi.31.
3. K.M.Kumaran, Retired Shunter,
Karathachy House, Chittoor Road, Kochi.
4. M.K.Velu, Retd. Shunter, Muzhikulathu House
Kochi.
5. P.M.Mohammed, Retd. Shunter, Pathuthottil House,
Kallarakkal Parambil, Elamakkara, Kochi.
6. V.Sankaran, Kumaresapuram, Keezhelladayam,
Near Railway Station, Ambasamaran PO.

7. M.G.Joseph, Retd.Shunter, Thengapurakkal House, East of Contencury Jn.Kochi.18.
8. Moideenkutty CA, Retd.Shunter, Peechingaparambil Vettekunnu, Edappali.
9. N.K.Arjunan, Retd.Shunter, Niyathithara House, Narakkal PO, Pin.682505.Applicants

(By Advocate Mr.P.Sivan Pillai)

Vs.

1. Union of India through the General Manager, Southern Railway, Madras.3.
2. The Chief Personnel Officer, Southern Railway, Madras.3.
3. The Divisional Personnel Officer, Southern Railway, Trivandrum-14.Respondents

(By Advocate Mrs.Sumati Dandapani)

O.A.627/92

1. N.Sivadasan, Retd.Driver 'A', Sivadasa Bhavan, Mukkudu PO, Mulavana, Kundara.
2. Anne Mathew, W/o Late J.Mathew Kaithavalappu Veedu, Kacheripadi Road, Kochi.
3. P.Samuel, Retd.Driver A Special Quilon, Thankam Cottage, Kadamukku, Quilon.
4. P.Sebastian, Retd.Driver A/Special Qln. Margaret Cottage, Pattathanam, Quilon.
5. V.P.Janaki, W/o Late P.Balakrishna Pillai Kalathichira House, House No.CC/XXI/1097/A Edacochin Village, Cochin.
6. K.Prabhakaran Nair, Rtd.Driver 'B'/ERM Valappil House, West Desam PO, Aluva.
7. N.Sarasamma, W/o Late N.Gopalan, Edayil House, Near Child Welfare Centre, Residency Road, Quilon.1.
8. A.Kumaran, Rtd.Shunter 'B'/Qln Puthuvayalil Veedu, East Kuravan Palam, Ashraman South, Quilon.
9. K.Vasu, Rtd.Driver 'B'/Qln. Kamala Bhavan, Sasthri Jn.Quilon.
10. K.Mohammed Moosakhan, Rtd.Driver A/Qln. Zohara Manzil, Pallimukku PO, Nadakkevila, Quilon.
11. M.N.Parameswaran Nair, Rtd.Shunter 'B' Qln. Thusharan Vzhakkalil House, Mundakkal East, Quilon.

12. S.Sayed Azadulla Saheb, Rtd.Driver
'A' Special, Karini Manzjl, Cantonment North
Quilon.1.
13. George A.Fernandez, Retd.Driver A Spl.
Jawahar Junction, Pattathanam, Qln.1.
14. T.Albi, Rtd.Pasenger Driver/Qln.
St.Thomas Village, Manthope,
Punnathala, Qln.7.

....Applicants

(BY Advocate Mr.P.Siv an Pillai)

Vs.

1. Union of India through the General
Manager, Southem Railway, Madras.3.
2. The Chief Personnel Officer, Southern
Railway, Madras.3.
3. The Divisional Personnel Officer,
Southern Railway, Trivanerum.14.Respondents

(By Advocate Mrs.Sumati Dandapani)

O.A.706/92

1. P.C.Pillai, Rtd.Driver B/Qln.
Koikkatharayil Pada South
Karunagappalli PO, Qln.
2. N.Gopala Pillai, Rtd.Guard A/Qln
Vedankuzhiyil House, Kurumandal,
South Paravoor, Kollam.
3. B.Appi Pillai, Rtd.Driver B/Qln
Kamala Bhavan, Sasthri Junction.Qln.1.
4. K.Yasodha, W/o Late S.Ponnappachetti,
Thundiparambil House, Pačhalam,Kochi.12.
5. T.P.Chinnan Nair, Rtd.Driver A Spl.
Parameswara Mandiram,Thirumullavaram,
Quilon.
6. N.Bhaskaran, Rtd.Driver A Spl.
Amaravathi Mandiram,Jawahar Junction
Pattathanam, Quilon.Applicants

(By Advocate Mr.P.Siv an Pillai)

Vs.

1. The Union of India through the General
Manager, Southern Railway, Madras.3.
2. The Chief Personnel Officer, Southern Railway,
Madras.3.
3. The Sr.Divisional Personnel Officer,
Southern Railway, Madurai-10.Respondents

(By Advocate Mr.P.A.Mohammed)

O.A. 914/92

1. P. Krishnan Nair, Kripa, Sasthry Junction Quilon.
2. N. Chellappan Pillai, Vayalil Puthen Veedu, Vadakkevila PO, Quilon.
3. P. Achuthan Pillai, Bhargavi Mandiram, Pattathanam, Quilon.
4. K. Kunjuraman, Kunnil Thekkdathil Veedu Ashram South, Quilon. 2
5. R. Bhaskaran Nair, Thoovara House, Thengode PO, BMC Via. Kakkanad.
6. N. Raman Nair, Nadam House, Vadakkevila Post, Quilon. 10.
7. K. Chandra Sekharan, Methera Vayalil Veedu, Anezhathumukku, Punnathatti, Qln. 12.
8. M. S. Lissy, W/o late Sri. Varghese xavier, Vadakkevila PO, Pattathanam, Quilon. PO. Applicants
(By Advocate Mr. P. Sivan Pillai)
Vs.

1. Union of India through the General Manager Southern Railway, Madras. 3.
2. The Chief Personnel Officer, S. Railway, Park Town PO, Madras. 3.
3. The Divisional Personnel Officer, Southern Railway, Trivandrum. 14. Respondent s

(By Advocate Mr. Thomas Mathew Nellimootil)

O.A. 1269/92

1. J. Kochuvelu, Kunnumpurathu Veedu, Janardhanapuram, Varkala.
2. A. Kittunni, Mannathu Pott-a House, Kavilpad PO, Palakkad.
3. J. Sulaiman Khan, Tahila Manzhil, Musevaru Ward, Punalur PO.
4. C. Shanthakumari, W/o late Sri. K. Aravindakshan, House No. EWS 336, Gandhinagar, Cochin. Applicants

(By Advocate Mr. P. Sivan Pillai)

Vs.

1. Union of India, through the General Manager, Southern Railway, Madras. 3. 5

2. The Chief Personnel Officer,
Southern Railway, Madras.3.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum.14. Respondent s

(By Advocate Mr.Thomas Mathew Nellimootil)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

The contentions raised in these applications are similar. So are the reliefs sought.

2. Applicants who are either retired 'running staff' in the Railways, or their legal heirs, seek appropriate directions to grant them pensionary benefits on the basis of unamended Rule, Rule 2544 R.II of the Indian Railway Establishment Code.

75 percent of the running allowance drawn by an employee at the time of his retirement was to be reckoned for fixing pensionary benefits under that rule. The Rule was amended with retroactivity. That was challenged.

3. The matter is now settled by a Full Bench decision of this Tribunal in O.A.395/91 to 403/91. The Tribunal issued the following directions:-

- (i) The respondents shall recompute the pension and other retiral benefits of the applicants or their L.Rs in accordance with Rule 2544 as was in force before it was amended by Notification dated 5.12.88.
- (ii) The arrears due to the applicants/L.Rs on the basis of the recomputation as aforesaid shall be calculated and paid.
- (iii) These directions shall be carried out within a period of three months from the date of receipt of the copy of this order.

(iv) If the amounts due to the applicants/L.Rs are not paid within the prescribed time, the amounts due shall be paid with interest at 12 percent per annum from the date of this order till the date of payment.

(v) The applicants shall be entitled to costs at the rate of Rs.500/- in respect of each application.

(vi) The payment of pension and retirement benefits as per the aforesaid directions shall stand regulated/adjusted in accordance with the orders/directions as may be issued by the Supreme Court in SLP No.10373/90 against the decision of the Ernakulam Bench of the Tribunal in Application No.K-269/88.

4. These directions should govern the cases on hand. We may refer to a contention raised by Shri P.A. Mohammed one of the Standing Counsel appearing for respondents to the effect that we must defer consideration of these applications. He relied on the decision in D.K.Trivedi and sons Vs. State of Gujarat, AIR 1983 SC 1323 to support this contention. The Full Bench considered the same decision and repelled a like argument.

5. We allow the applications and direct respondents to grant the benefits granted by the Full Bench to the applicants herein. Parties will bear their costs.

Dated the 28th January, 1994.

Sd/-

P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

CERTIFIED TRUE COPY

Date8-2-94.....

Deputy Registrar

