

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 311/98

WEDNESDAY, THIS THE 24TH DAY OF FEBRUARY, 1999.

C O R A M:

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

HON'BLE MR. R.K. AHOOJA, ADMINISTRATIVE MEMBER

A. Bhaskaran
Dy. FA & CAO,
Southern Railway (Retd)
Gokulam House,
Karumalloor P.O. Ernakulam District
Kerala

..Applicant

Vs.

1. Financial Advisor and Chief Accounts Officer
Southern Railway,
Park Town,
Madras-600 003.

2. Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi-110 001.

3. Chief Personnel Officer,
Konkan Railway,
Belapur Bhavan,
C.B.D. Belapur,
Navi Mumbai-400 614.

..Respondents

By Advocate Mrs. Sumathi Dandapani

The application having been heard on 24.2.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. R.K. AHOOJA, ADMINISTRATIVE MEMBER

The applicant who was working in the Southern Railway in the Senior Scale, joined the Konkan Railways on deputation as Deputy Financial Advisor and Chief Accounts Officer in the Junior Administrative Grade on 6.1.93. While posted on deputation, he opted for substantive grade pay plus deputation allowance. At the relevant time, he could have opted for 'charge allowance'. Since the 'charge allowance' was then not taken into reckoning for purpose of

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pension and the option to draw deputation allowance was beneficial, the applicant did not opt to receive 'charge allowance'. The applicant submits that one of the juniors Sri Mookandi who was promoted in the Junior Administrative Grade in the Southern Railways was granted pay in the Senior Scale and 'charge allowance' w.e.f. 1994. He alleges that he was denied the benefit of next below Rule and was not granted 'proforma promotion' which would have enabled him also to draw 'charge allowance'. Later, the respondents included the 'charge allowance' for purpose of calculation of pensionary benefits. As a consequence, his juniors though they were promoted later than him, came to receive higher rate of pension. Accordingly, he made a representation to the respondents. The matter also came up before the Pension Adalat. The representation was rejected by the impugned letter Annexure A5.

2. The respondents in the reply have stated that the applicant himself opted to receive the ~~pay of~~ substantive pay plus the deputation allowance when he went on deputation to the Konkan Railways. They also denied the allegation that the applicant was not granted proforma promotion at the time when his juniors were promoted. They have produced a copy of the letter Annexure R1 dated 15.4.93 which says that the applicant was given Junior Administrative Grade under the 'Next Below Rule' w.e.f. 24.10.94 to 31.5.95. The respondents state that the pensionary benefits of the applicant have been correctly reckoned in terms of the pay and allowances he was getting at the time of his retirement.


3. We have heard the applicant in person and the counsel appearing for the respondents.


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4. Having perused the records we find that the General Manager, Southern Railways Madras had by his letter at Annexure A7 addressed to the Secretary (Finance Establishment), Railway Board, New Delhi made a proposal that Rs. 200/- out of the deputation allowance of Rs. 400/- received by the applicant at the time of his retirement may be taken into account for the purpose of calculating the pensionary benefits. We find that a decision on this proposal of the General Manager (Accounts), Southern Railway, has not so far been taken by the Railway Board. Accordingly, without going into the merit of the case, we direct the second respondent to reconsider the case of the applicant in the light of the recommendation and instructions on the subject within a period of four months and dispose of the same by a reasoned and speaking order under intimation to the applicant. No costs

Dated the 24th February, 1999.


R. K. AHOOJA
ADMINISTRATIVE MEMBER
KMN


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A5: FA & CAO's letter dated 10.12.97 (P 508/HQA/Admn/GAZ/AB).
2. Annexure A7: FA & CAO's letter NO.P.508/Admn./MAS/AB dated 3.9.96.
3. Annexure R1: True copy of the Railway Board's Order No.E(o)III 94 NBR/2. dated 15.4.1997.

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