

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 405/2009

Dated this the 4th day of June, 2010

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

P.C. Siddic S/o Cherumitheen
Retd. Technician-I, South Central Railway
residing at Punnangaden House
Kaariyakunnu Puthocode Post
Palakkad District Kerala State.

Applicant

By Advocate Mr. M.P. Varkey

Vs

1 Union of India represented by
General Manager
Southern Central Railway
Rail Nilayam, Secunderabad-500371

2 Workshop Accounts Officer
Carriage Repair Shop
South Central Railway
Tirupati -51740

3 Workshoop Personnel Officer
Carriage Repair Shop
South Central Railway
Triupati -51750

Respondents

By Advocate Mr. Thomas Mathew Nellimmottil

The Application having been heard on 4.6.2010 the Tribunal on the same day delivered the following

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retired Railway employee, seeks for proper counting of his service for fixation of pension and consequential retiral benefits.

2 According to the applicant, he was initially engaged as a Casual Labour Khalasi in the Hubli Division of South Central Railway in 1971, promoted as Helper in 1983, joined the Carriage Repair Shop at Tirupati in 1986 and retired as Technician-I on 31.5.2007. According to the applicant, he has 30 years, 6 months and 20 days qualifying service to his credit. Despite several representations, his services were not properly taken into account as qualifying service. Aggrieved, he has filed this O.A for revision of pay in accordance with VI CPC and consequential revision of retiral benefits.

3 The respondents filed reply statement stating that the applicant has 24 years, 11 months and 8.5 days of qualifying service and that he was paid retiral benefits on the basis of the qualifying service and pay drawn by him at the time of retirement. Subsequently, on the implementation of VI CPC, his pay was revised and retiral benefits recalculated and the difference paid to him.

4 Today, when the case was taken up for hearing the learned counsel for the applicant drew my attention to Annexure MA-1 OM dated 10.12.2009 in M.A. 425/2010 in which the Department of Pension & Pensioners' Welfare, revising/regulating pension/gratuity/commutation of pension /family pension, etc to those who retired on or after 1.1.2006



and submitted that in the light of the above OM , the applicant is entitled to be granted full pension on completion of 20 years of qualifying service, therefore, the O.A can be closed as infructuous. M.A. 425/2010 is allowed. The relevant portion of Annexure MA-1 OM dated 10.12.2009 is extracted below:

"2 In partial modification of the instructions/order issued in this respect, it has now been decided that linkage of full pension with 33 years of qualifying service shall be dispensed with, with effect from 1.1.2006 instead of 2.9.2008. The revised provisions for calculation of pension in para 5.2 and 5.3 of the OM No. 38/37/08-P&PW(A) dated 2.9.2008 shall come into force with effect from 1.1.2006 and shall be applicable to the Government servants retired/retiring after that date. Para 5.4 will further stand modified to that extent."

In the light of the above, the applicant is entitled to full pension on completion of 20 years of service and that the respondents are bound to revise the pension of the applicant accordingly w.e.f 1.1.2006..

5 Accordingly, I am of the view that the O.A has become infructuous. I record the submission of the learned counsel and close the Application as infructuous. No costs.

Dated 4.6.2010



(K. NOORJEHAN)

ADMINISTRATIVE MEMBER

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