

**Central Administrative Tribunal Lucknow Bench Lucknow**

Original Application No.456 /2007

This, the 2nd day of September, 2008

**Hon'ble Mr. Shankar Raju, Member (J)**  
**Hon'ble Smt. Veena Chhotray, Member (A)**

M.C. Joshi aged about 67 years son of late Sri N.D. Joshi resident of 548/309, Mohani Sadan Surya Nagar, Rajajipuram, Lucknow-226017.

Applicant

By Advocate: Applicant in person

**Versus**

1. Union of India through the General Manager, Northern Railway, Head Quarters, Officer, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Financial Advisor and Chief Accounts Officer, Northern Railway, Head Quarters, Office, Baroda House, New Delhi.

Respondents.

By Advocate: Shri C.B. Verma

**ORDER (ORAL)**

**By Hon'ble Mr. Shankar Raju, Member (J)**

Heard the counsel for respondents.

Except limitation no other justification is tendered. As cause of action of wrong payment to the applicant and fixation thereof for grant of pension is a recurring cause of action, on a meritorious claim, this objection stands over ruled.

2. Applicant whose last pay was Rs. 9700/- on 15.2.99 is sought to be wrong fixation as contended by the respondents is incorrect on the face of RTI information furnished to the applicant on 23.10.2006 wherein it is clearly stated that the pay of the applicant would be Rs. 9700 on 15.2.99 in the scale of Rs. 7650-11500/0-. In such view of the matter, pay fixation of the applicant at Rs. 9475/- is without any justification and basis. From the RTI information received on 23.10.2006, the pay fixation of the applicant has been shown on restructuring at Rs. 9475/- w.e.f. 1.12.97 and an increment of Rs. 225/- on 1.12.98 which makes the pay of Rs. 9700/- on 1.12.98 and at the time of retirement of the applicant on Feb, 99, the same pay existed. Yet the justification of the respondents on information under RTI on 23.10.2006 shows the pay fixation at Rs. 9475/- on 1.12.98 conspicuously not

included the increment added on 1.12.98 which makes the pay of Rs. 9475/- at Rs. 9700/- Accordingly rather the pay fixed earlier was correct. OA. is allowed with a direction to the respondents to re-fix the pay of the applicant as Rs. 9700/- as on 28<sup>th</sup> Feb, 1999 and thereafter, the retrial dues would have to be recalculated and be paid to the applicant with all arrears within a period of three months from the date of receipt of copy of this order. No costs.

*h h h o h e y*  
Member (A)

*S. Ray*  
Member (J)

HLS/-