

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Execution Application No. 1290 of 2013

In re.

Original Application No. 404 of 2004

Reserved on 14.10.2015

Pronounced on 28th October, 2015

Hon'ble Mr. Navneet Kumar, Member-J

Hon'ble Ms. Jayati Chandra, Member-A

Smt. Beena, aged about 68 years, W/o late Sri Ram Raghuveer Srivastava, R/o Village Ram Janki Nagar, Post Tetati Bazar, District Siddharth Nagar.

.....Applicant

By Advocate : Sri P.K. Singh

Versus.

1. Union of India through the Secretary Ministry of Railways, New Delhi.
2. Additional Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow.
3. Senior Divisional Operating Manager/Divisional Railway Manager (Operating), NER, Ashok Marg, Lucknow.
4. Sr. Divisional Personnel Officer, Lucknow Division, NER, Ashok Marg, Lucknow.

.....Respondents.

By Advocate : Sri N. Nath.

ORDER

By Ms. Jayati Chandra, Member-A

The present Execution Application has been filed by the applicant for compliance of the judgment and order of this Tribunal dated 29.9.2011 passed in Original Application No. 404 of 2004. The operative portion of the order reads as under:-

"In view of the above, we come to the conclusion that for whatever reasons but there was an apparent lapse on the part of the respondents in fixing the last pay drawn and the pension of the applicant ignoring the appellate order dated 6.4.2004 itself. Therefore, this O.A. deserves to be partly allowed and accordingly it is so ordered with a direction to the respondents to re-fix the last pay drawn by the applicant and also re-fix the pension/family pension keeping in view the appellate order dated 6.4.2004, in accordance with the rules and to pay the resultant arrears of pay, if any, and pension/family pension. In respect of interest, which has also been claimed on account of late payment, we hereby provide that appropriate decision in this regard shall also be taken by the respondents keeping in view all the facts and circumstances of the case and in case they decide not to give

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interest at all, then proper reasons would be indicated. It is also provided that entire exercise as mentioned above shall be made expeditiously/preferably within three months from the date a certified copy of this order is submitted by the applicant. No order as to costs."

2. The respondents have filed Counter Reply stating therein that the deceased husband of the applicant retired from service on 31.7.2002 and at the time of his retirement, a punishment of reduction of pay from Rs. 8300/- to Rs. 8100/- in the scale of Rs. 6500-10500/- for a period of 18 months with cumulative effect was imposed upon the husband of the applicant. However, the aforesaid order was modified in the appeal by reducing his substantive pay from 9300/- to Rs. 8900/- for 18 months with cumulative effect by means of appellate order dated 6.7.2004. They have further stated that all retiral dues have been paid to the deceased and PPO dated 30.7.2002 had also been issued in favour of deceased husband of the applicant. In compliance of order dated 6.7.2004 passed by the appellate authority, the payment of difference of revised retiral benefits were also paid to the deceased husband of the applicant vide revised PPO dated 1.2.2005. The difference of leave encashment amount to the tune of Rs. 14500/- had also been paid to the deceased husband of the applicant. They have also stated that the difference towards Pension, commuted value of pension and DCRG were also paid. They have also asserted that in compliance of order of this Tribunal dated 7.5.2015, a memorandum dated 20.8.2015 has been issued in favour of the applicant stating therein that the PPO issued on 1.2.2005 may be read as revised PPO. They have also annexed the revised PPO dated 24.10.2013 for family pension in terms of recommendations of VIth Central Pay Commission.

3. The applicant has filed Rejoinder Reply refuting the contentions made by the respondents made in Counter Reply and reiterating the averments already made in O.A.

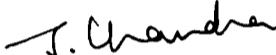
4. We have heard the learned counsel for the parties and also perused the pleadings on records.

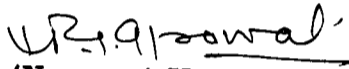
5. The respondents have issued revised PPO on 1.2.2005 to the applicant, which has not been challenged by the applicant saying that it was not in compliance of the order of this Tribunal.

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However, on the specific order of this Tribunal dated 7.5.2015, the respondents have issued an memorandum dated 20.8.2015 stating therein that it may be read as revised PPO. Further, the family pension of the applicant has also been revised in terms of recommendations of VIth Central Pay Commission by issuing a revised PPO. From the records available before us, it is established that the order passed by this Tribunal has been fully complied with. If the applicant is still aggrieved, it will, however, be open to her to challenge the action of the respondents in the original side if so advised.

6. In view of what has been stated hereinabove, the Execution Application fails and is accordingly dismissed. No costs.


(Ms. Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)

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