

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 298/91

Bhagwati Prasad

Applicant

versus

Union of India & others

Respondents.

Shri Kapil Dev Counsel for Applicant.

Coram:

Hon. Mr. Justice U.C. Srivastava, v.c.

Notice was issued on 8.10.91 and even after opportunities counter has not been filed and nobody appears. It appears that the respondents are not interested in pursuing the matter that is why there is no option but to hear and decide the case finally.

2. The applicant entered the service of N.E. Railway in the year 1952, retired from the post of Chief Train Clerk on 31.7.87. At the time of retirement the applicant was drawing pay Rs 1650 and his pension should have been fixed at Rs 825 but his pension has been fixed at Rs 647/- wrongly by erroneously counting his service when he ~~not~~ initially entered the service. This is an incorrect fixation and has adversely affected the applicant and that is why he has approached this Tribunal praying that the respondents be directed to fix the pension of the applicant at Rs 825 per month instead of Rs 647/- taking into account the entire length

W

of service.

3. The respondents have not put in appearance. The facts as stated by the applicant have got to be ^{accrued} ~~accused~~ to. The respondents are directed to dispose of the representation of the applicant, copy of which has been annexed as Annexure-2, by passing an order. If the applicant's case is correct, the applicant's pension will be fixed accordingly within a period of 3 months.

Umaruzzaman
Vice Chairman.

Lucknow : Dated

10.7.92

Shakeel/

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 298 of 1991 (L)

Versus

Union of India & others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

The fact that --- emerges out from the pleadings of the parties are that :-

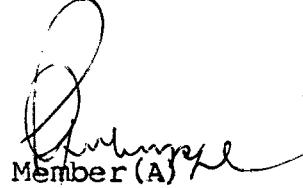
2. The applicant entered in service of N.E. Railway in the year 1952 as a coupling Khalasi. As a representation dated 14.4.88 filed by the applicant, in which it has been stated that his services were terminated and he was appointed again in the year 1959. A fact which has been asserted in the counter-affidavit in support of which they have filed the appointment letter itself. The applicant has retired from the post of Chief Train Clerk on 31.7.1987 and at that time, the applicant was drawing a pay of Rs. 1650/- per month. The applicant's claim is that his pension should have been fixed at Rs. 825/- but the respondents have wrongly fixed it at Rs. 647/- and that's why after having failed to get reliefs from the department, he has approached the tribunal in this behalf.

3. In the counter-affidavit, it has been stated that the pension of the applicant has correctly been

Cont'd... 2/-

:: 2 ::

fixed as Rs. 647/- after taking the average of 10 months pay for qualifying service being 26 years 8 months and 14 days, and has also been given the break up of the same. The applicant has taken a particular plea and his representation in this behalf is pending. The respondents should dispose of the representation filed by the applicant within a period of two months from today taking into consideration the plea which has been taken by the applicant. In case, it is found infact that the applicant is entitled to the pension of Rs. 825/- instead of Rs. 647/-. Let the same be paid to the applicant, otherwise he shall be paid pension at the rate to which he is entitle to. If he is found entitled to more pension, the arrears shall be paid to the applicant within two months. No order as to the cost.



Member (A)



Vice-Chairman

Lucknow Dated 17.9.1992.

(RKA)