

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

CIRCUIT SITTING AT ~~NA~~^G PUR

~~O.A. No.~~

T.A. No. 336/87

198

DATE OF DECISION 9.7.91

D K Dhengre Petitioner

V D. Chahande Advocate for the Petitioner (s)

Versus

D.R.M., Central Rly. Nagpur Respondent

P C Lambat Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. Justice U C SRIVASTAVA, VICE CHAIRMAN

The Hon'ble Mr. P.S. CHAUDHURI, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

} No.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY - 400614
CIRCUIT SITTING AT NAGPUR

TRANSFERRED APPLICATION No.336/87

Dnyandeo Kacharaji Dhengre
Ex. Station Master
Ward No.24, Pulgaon
Dist. Wardha

.. Applicant

V/s.

The Divisional Railway Manager
Central Railway
Nagpur

.. Respondent

CORAM: HON.Shri Justice U C Srivastava, V.C.
HON.Shri P S Chaudhuri, Member (A)

APPEARANCE:

Shri V D Chahande
Advocate for
the applicant

Shri P C Lambat
Counsel
for the respondents

ORAL JUDGMENT:

DATED: 9.7.91

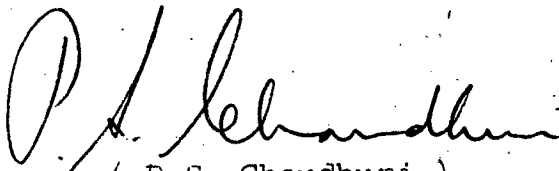
(PER: U C Srivastava, Vice Chairman)


The applicant filed writ petition no.201 of 1985 in the High Court of Judicature at Bombay, Nagpur Bench, as he is deprived of pension and other benefits. The applicant had applied for voluntary retirement and the same was accepted on 9.6.1981. Thereafter a sum of about Rs.10,000/- towards provisional payment of Provident Fund was paid. Other benefits such as death-cum-retirement gratuity, pension were not granted to him.

2. In its written reply the Railway Administration has stated that the applicant has not completed the pensionable service as required under the rules and that he is not entitled for pension with effect from 1.7.81 or 9.7.81. They further contended that the applicant was absent from duty from 1.4.75 to

1.1.81 and during this period he applied for voluntary retirement and the same was accepted on 9.16.81.

3. Once the applicant's notice of voluntary retirement was accepted it was deemed that he continued to be in service till the date of voluntary retirement and accordingly he will be entitled to count the entire period of service till the date of voluntary retirement. The respondents are duty bound to pay pension and other pensionary benefits in accordance with the rules. This they have not done. Accordingly the application is allowed and the respondents are directed to calculate the pension and other terminal benefits such as DCRG etc., within a period of two months and make the payment within a period of three months along with 10% interest calculated on the entire dues. There would be no order as to costs.


(P.S. Chaudhuri)
Member (A.)


(U.C. Srivastava)
Vice Chairman