

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 659/87
Ex-Axx-Nok

198

DATE OF DECISION 14.10.1991

Ramchandra R. Kumre Petitioner

Mr. S.B. Kasar Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. P.R. Pai Advocate for the Respondent(s)

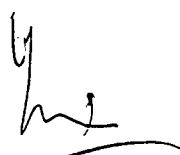
CORAM :

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

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
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?

MGIPRRND-12 CAT/86-3-12-86-15,000


 (M.Y. Priolkar)
 M(A)

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
* * * * *

Original Application No. 659/87

Ramchandra Rupchand Kumre,
Nasarwanji File,
Behind Akolawala Dharmashala,
Bhusaval 425 201.

... Applicant

v/s

1. The Union of India, through
the General Manager,
Central Railway,
Bombay V.T.

2. Divisional Rly. Manager,
Central Railway,
Bhusaval.

... Respondents

CORAM : Hon'ble Vice Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. S.B.Kasar, Advocate
for the applicant and
Mr. P.R.Pai, Advocate
for the respondents.

ORAL JUDGEMENT:

Dated : 14.10.1991

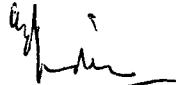
(Per. M.Y.Priolkar, Member (A))

The seniority ~~list~~ of the applicant in this
case was refixed as Senior Clerk vide letter dated
4.5.1973. His grievance is that there was no refixation
of his pay although the respondents have revised the
seniority. ^{After} /a series of representations and also taking
up the matter with Labour Enforcement Officer his pay
was finally refixed. It is the contention of the applicant
that a special pay sheet of arrears due to such pay
fixation amounting to Rs.4,607/- in favour of the
applicant was sent to the Divisional Accounts Officer,
Bhusaval by the Divisional Railway Manager but the
Divisional Accounts Officer refused to make the payment
and had raised certain queries. The applicant thereafter
appealed to the Divisional Railway Manager and also
followed it up with various authorities but there has

been no response from the Railway Administration for his repeated pleas for payment of arrears except stating that the matter was under consideration. The applicant has, therefore, approached this Tribunal with the prayer that although he has retired on 30.6.1979 he had been carrying on correspondence with the administration for getting his legitimate dues and therefore the respondents may be directed to make payment of arrears of difference of pay amounting to Rs.4,607/-.

2. Although the respondents in their written reply had expressed their inability to verify the claim of the applicant in view of the documents required, the applicant has produced a letter dated 11.7.1988 addressed by the office of the Divisional Railway Manager to the Divisional Accounts Officer enclosing the special pay sheet for Rs.4,607/- in favour of the applicant and on account of arrears of the difference arising out of fixation of seniority and refixation of pay of the applicant for arranging payment to him. The learned counsel for the respondents stated that the payment could be made to the applicant on furnishing an indemnity bond, as in the absence of record at this stage it cannot be verified by the respondents whether this payment has already been made to the applicant or not. The right of the applicant ^{for} ~~in~~ these arrears is not in dispute. We, therefore, direct the respondents that payment of Rs.4,607/- along with interest at 10% from the date of his superannuation till the date of actual payment may be made to the applicant within a period of three months ^{to the condition of} ~~within~~ ^{within few weeks} from today subject that the applicant furnishes an indemnity bond in favour of the Railways ^{for refund of this amount} ~~in case~~

it is subsequently establish^{ed} that the payment of salary during this period at the higher rate had already been made to the applicant. No order as to costs.



• (M.Y. Priolkar)
Member (A)



(U.C. Srivastava)
Vice-Chairman

v/-