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# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

O.A. No. 854/88

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198

DATE OF DECISION 12-10-90

K.L.Bhatia

Petitioner

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Advocate for the Petitioner(s)

Versus

1) General Manager, C.Rly. BBVT Respondent  
 2) FA&CAO(P), C.Rly, Bombay.

Shri J.G.Sawant,

Advocate for the Respondent(s)

### CORAM

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

The Hon'ble Mr. D.K. Agrawal, Member (J)

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 ?

*D.K.Agrawal*  
 ( D.K.Agrawal ) 12/10/90  
 Member (J)

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

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Original Application No.854/88

K.L.Bhatia

... Applicant

vs.

1. General Manager, Central Railway, Bombay VT.
2. FA & CAO (Pension), Central Railway, Bombay. ... Respondents.

CORAM: Hon'ble Member (A), Shri M.Y.Priolkar  
Hon'ble Member (J), Shri D.K.Agrawal

Appearances:

Applicant in person and  
Shri J.G.Sawant, Advocate,  
for the respondents.

JUDGEMENT:

Dated : 12-10-1990

(Per. Shri D.K.Agrawal, Member (J))

This application under Section 19 of the  
Administrative Tribunals Act, 1985 has been filed by the  
above named applicant. In para 8 of the application  
the reliefs sought have been worded as under:

(A) So far the honourable Divisional Manager, (pension & pension welfare) Jabalpur C.Rly. has ordered in favour of me invaliding pension/ premature retiring pensionary benefits vide her office L.No.Sr. DAO, JBP C.Rly./03/1271/156 of 15.10.87 through State Bank of India, Ulhasnagar-3 with effect from March'85 on superannuation. But the above benefits are with prejudice and not found in order no. AC/1871/PEN/RB/GM of 27/1/88 re-embodied by FA & CAO (Pension) Bombay C.Rly.

(B) L.No.14014/2/88-Est(D) Government of India, Ministry of Personnel, P&G and Pensiners, New Delhi (copy attached) dated 23.6.88 wherein they have advised me that General Manager, Bombay V.T. C.Rly. has power to grant appointment to the dependant on compassionate ground.

The reading of the relief clause (8A) does not convey any meaning. The two letters dated 15.10.87 and 27.1.88

*Deo*

... 2/-

referred to in the said relief clause are available on record. They have been perused by us. The letter dated 15.10.87 is a letter from Divisional Accounts Officer, Jabalpur, addressed to FA & CAO (Pension), Bombay VT, forwarding the revised pension payment authority of the applicant. The other letter dated 27.1.88 is a letter from FA & CAO (Pension) addressed to DRM (P), Jabalpur, bringing to his notice the claim of the applicant. Thus these two letters do not help the applicant in any manner whatsoever. From the pleadings of the respondents it is gathered that the applicant claimed some increments. The applicant also claimed appointment of his dependant on compassionate ground. It also appears that the applicant claims that his date of birth was 15.10.1929 and not 15.10.26 as recorded in his service book. However, no representation was made by him with the competent authority according to rules, for correction of date of birth. The respondents have contended that the applicant was given due increments from time to time in between 29.5.58 and 7.9.60 and 10.9.74 to 18.7.76. The respondents have also pleaded that the applicant was never placed in the grade Rs. 700-900.

2. We have heard the applicant who appeared in person. We have also perused his service record. The service record of the applicant indicates that the applicant was promoted as Station Master, Majhgawan, Jabalpur, on 24.7.84. His basic pay on promotion as Station Master was fixed at Rs. 725/-. He retired as such on 31.10.84. In view of these facts we have no hesitation to hold that this application is devoid of merits. The applicant was retired on 31.10.84 on reaching the age of superannuation (58 yrs.).

Arasrao . . . 3/-

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His dependant is not entitled to ~~compassionate~~ appointment. There is no provision in the rules to the appointment of sons/wards of the retired railway employee on compassionate grounds.

3. In the result the application is liable to be rejected and is dismissed without any order as to costs.

D.K. Agrawal  
12.X.90.  
( D.K. Agrawal )  
Member (J)

M.Y. Priolkar  
12.X.90.  
( M.Y. Priolkar )  
Member (A)