

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.754/89

D.Chandrasekaran,
'Shrikrishna Niwas'
Rajwada - Valvan
Lonavla - 410 403.

.. Applicant

vs.

1. Union of India
through
The General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Bombay V.T. .. Respondents

Coram: Hon'ble Member(J)Shri M.B.Mujumdar
Hon'ble Member(A)Shri P.S.Chaudhuri

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant.
2. Mr.Subodh Joshi
Advocate for the
Respondents.

ORAL JUDGMENT

(Per M.B.Mujumdar, Member) Date: 7.2.1990

The applicant joined as Assistant Linesman on 21.10.1946, on the then GIP Railway. On 4.1.1983 he was placed under suspension but that order was revoked on 21.1.1984. He retired on superannuation on 31.1.1984 while he was working as Chief Traction Foreman.

, 2. In 1983 a chargesheet was submitted against him in the Court of Railway Magistrate, Pune for an offence under the Railway Property (Unlawful Possession)Act. We are told on behalf of the applicant that no charge is framed against the applicant in that case and there are no chances of that case being disposed of it early because the State has preferred a revision application in the Sessions Court against some orders passed by the Judicial Magistrate regarding

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inspection of the property.

3. The applicant has filed this application on 11.10.1989. Though a number of prayers are made in the application the main prayer is regarding payment of provisional pension to the applicant from the date of his retirement. On 22.11.1989 Mr. Gangal, learned advocate for the applicant, stated that the applicant will not press for this application if he is given ~~px~~ provisional pension.

4. The respondents have filed their reply. We have heard Mr. D. V. Gangal for the applicant and Mr. Subodh Joshi for the respondents. After hearing them and in view of the facts we admit this application and propose to dispose it of finally. The applicant has relied on para 316 of the Manual of Railway Pension Rules, 1950. The applicant has quoted that rule at Page 25 of the application and in view of what stated in that rule we find no justification whatsoever for denying provisional pension to the applicant from the date of his retirement. Hence we pass the following order:

- (i) The respondents are directed to pay provisional pension with arrears to the applicant from 1-2-1984, within four months from the date of receipt of a copy of this order.
- (ii) As regards the other prayers the applicant may make representation to the respondents at appropriate time.
- (iii) The application is disposed of with no order as to costs.

P.S. Chaudhuri

(P.S. CHAUDHURI)
Member(A)

M.B. Mujumdar

(M.B. MUJUMDAR)
Member (J)