

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.**

**O.A. No. 801 of 2005**

**Date of order : December 20, 2005**

**C O R A M**

**Hon'ble Shri Justice P.K. Sinha, Vice-Chairman**

D.S. Upadhyay

Vs.

Union of India and ors.

For the Applicant : Shri M.P. Dixit

For the respondents : Shri A.A. Khan

**O R D E R (Oral)**

**By Justice P.K. Sinha, V.C. :-**

Heard learned counsel for both sides. The applicant was granted temporary status with effect from 19.4.1968, and claims to have been regularised in the year 1972, whereafter in February, 1974 he got promotion to the post of Clerk Grade II, and ultimately retired in the afternoon of 28.2.2005. It is submitted that instead of counting his service to be full 33 years, the lesser period of service was counted, which should not have been done as per extant rules, as that way, his pension was fixed to a lesser amount. He also filed representation dated 4.8.2005 vice Annexure A/6, which, according to the learned counsel for the applicant, has remained unanswered. The learned counsel has taken this Tribunal to various Annexures which show his date of appointment to be 19.4.1968 (Annexure A/1 and A/2).

2. The other grievance is that though he retired in the afternoon of 28.2.2005, his retiral benefits, including gratuity were sanctioned in September, 2005, and claims interest for the delayed payments. It is also submitted that for some undisclosed reasons, a sum of Rs. 13,933/- was



recovered from the DCRG, which should also be refunded with interest.

3. The main grievance relates to wrong computation of pension as the period under which the applicant had worked under temporary status had not been counted.

4. In my opinion, this OA can be disposed of by directing the respondent No. 4, DRM, East Central Railway, Sonapur to consider the prayer of the applicant in so far as fixation of his pension is concerned, in view of the extant rules, in which the applicant will also be given an opportunity of being heard and to produce papers before respondent No. 4, as it is also submitted that some papers are missing from the custody of the respondents.

5. In so far as interest on delayed payment of retiral benefits is concerned, the DRM will also consider such payment if extant rules or standing orders permit that. In so far as deduction of Rs. 13,933/- is concerned, that will also be considered by the DRM, and if, for some valid reason, the amount has been deducted, the DRM will, for the aforesaid as also on other counts record reasoned order within a period of three months of the receipt of a copy of this order. The applicant is also directed to supply to the respondent No. 4 a copy of this order along with copy of this application with its annexures, within 15 days of the receipt of certified copy of this order.

6. With the aforesaid directions this OA stands disposed of.



[ P.K. Sinha ] V.C.

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