

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 177 of 2000.

Dated this Monday, the 18th day of February, 2008

CORAM : Hon'ble Shri Jog Singh, Member (J).

Shri Ghanshyam Jyotiram,
Ex.B/Smith, S. & T Department,
O/o. Central Railway, Kalyan
R/o. Subhash Takadi,
Kansai Road, Ulhasnagar 421 004.

... *Applicant*

(By Advocate Shri K.B. Talreja)

VERSUS

1. The Union of India through
The General Manager,
Central Railway,
Mumbai C.S.T.
2. The Divisional Railway Manager,
Central Railway,
Mumbai CST.

... *Respondents*

(By Advocate Shri R.R. Shetty)

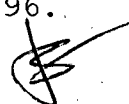
ORDER (ORAL)

Per : Shri Jog Singh, Member (J).

The applicant, who was working as a Black-Smith with the respondents-Railways, retired from service on attaining the age of superannuation on 31.12.1995. He has approached this Tribunal in the present O.A. praying for the following reliefs :

"(i) This Hon'ble Tribunal may kindly be pleased to direct the respondents to revise the pension as per revised scales of pay from 1.1.1996 and give all the pensionary benefits as per recommendations of the Vth Pay Commission.

Secondly, all the retiral benefits along with difference and interest on the difference may be given to the applicant from 1.1.1996.



Thirdly, the benefit of 40% of commuted value of pension be granted to the applicant, instead of 33% which had been given erroneously.

Fourthly, the packing and transfer allowance may kindly be given to the applicant, which has not been given.

(ii) The penal interest on the delayed payment may kindly be granted.

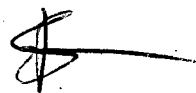
(iii) The cost of the petition may be awarded.

(iv) Any other relief or reliefs as this Hon'ble Tribunal may deem fit and appropriate looking to the facts and circumstances be awarded."

2. The learned counsel, Shri K.B. Talreja, who appears for the applicant, states that the applicant had performed his duties upto midnight of 31.12.1995, therefore, the applicant is deemed to have retired on 01.01.1996. The contention of the learned counsel in this regard is that the applicant has, thus, retired for all practical purpose on 01.01.1996 only and, as such, he is entitled to all the benefits as on 01.01.1996.

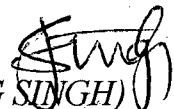
3. The next grievance of the applicant is that the payment of Leave Encashment and payment towards gratuity, etc. were paid to him much after his retirement and, hence, he is claiming interest thereon.

4. During the course of argument, it is noted that, the applicant has preferred a detailed representation on 16.01.2000 and the same has not yet been decided by the respondents. It is also noted that, by and large, a small grievance has been raised by the applicant in his representation and the respondents should themselves make an attempt to redress the same while disposing of the representation, duly keeping in view the fact that the



applicant is a senior citizen and has retired at least 12 years ago. Therefore, it is hoped that the respondents would give a sympathetic treatment to the representation of the applicant by duly taking into consideration the observations made herein above within a period of three months from the date of receipt of a copy of this order. Needless to say that in case the applicant is still aggrieved by the final outcome of the representation, he would be at liberty to approach this Tribunal by way of fresh O.A. and the point of limitation will not come in the way of the applicant.

5. The O.A. stands disposed of in terms of the above directions. No order as to cost.


(JOG SINGH)
MEMBER (J)

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