

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, MUMBAI.ORIGINAL APPLICATION NO.: 174/2000.Dated this Monday, the 18th day of February, 2008.CORAM : Hon'ble Shri Jog Singh, Member (J).

Shri B. D. More,  
Ex. Guard,  
Central Railway,  
R/o.: O.M. Towers,  
'B' Wing, Ashok Nagar,  
Waldhuni, Kalyan,  
Dist. Thane.

*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 C.S.T.

*Respondents*

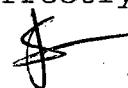
(By Advocate Shri R.R. Shetty.)

OR D E R (ORAL)

Per : Shri Jog Singh, Member (J)

The applicant, who was working as a Guard 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 fix the pension of the applicant correctly in the



revised scales of pay as recommended by the Vth Pay Commission which are applicable to him from 1.1.1996.

Secondly award him the benefit of 40% of commuted value of pension.

Thirdly, grant him the encashment of earned leave on the basis of revised pay for 300 days and also interest for delayed payment of encashment of leave of 163 days, which is paid after 7 months.

Thirdly, revised gratuity along with interest.

Fourthly, even the 33% commuted value has been paid after 51 days and penal interest may be granted.

(ii) This Hon'ble Tribunal may kindly be pleased to direct the respondents to award him penal interest on delayed payments for various retirement dues.

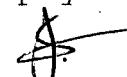
(iii) This Hon'ble Tribunal may kindly be pleased to direct the respondents to refund the wrong interest charged on scooter advance of Rs. 13,000/-.

(iv) Any other relief/reliefs as this Hon'ble Tribunal may deem fit and appropriate.

(v) It is also requested to saddle the cost on the respondents."

2. The learned counsel, Shri K.B. Talreja, who appears for the applicant, states that the applicant had performed his duties upto 00.45 a.m. on 01.01.1996. He also completed the process of 'signing off' at 00.45 hrs. on 01.01.1996. 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)