

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:403/2000
DATED THE 7TH DAY OF JULY,2003.

CORAM:HON'BLE SHRI JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN
HON'BLE SHRI SHANKAR PRASAD, MEMBER(A)

B.N.Yadav,
Retired Senior Depot Storekeeper,
Office of Chief Engineer(C)
Central Railway, C.S.T.,
Mumbai -400 001.

... Applicant

By Advocate Shri Ramesh Ramamurthy

V/s.

1. Union of India,
through the General Manager,
Central Railway,
C.S.T., Mumbai - 400 001.
2. The Chief Engineer(C),
Central Railway,
Headquarters Office,
C.S.T., Mumbai - 400 001.
3. The Deputy Chief Engineer(Const),
Central Railway,
C.S.T., Mumbai - 400 001.

... Respondents

By Advocate Shri V.S.Masurkar

(ORAL)(ORDER)

Per Shri Justice R.R.K.Trivedi, Vice Chairman

We have heard Shri Ramesh Ramamurthy, learned counsel for the applicant and Shri V.S.Masurkar, learned counsel for the respondents.

2. By this OA, the applicant has prayed for direction to respondents to give the applicant the benefit of Vth Pay Commission and the payscale applicable to the applicant w.e.f. 1/1/1996. He has also prayed for a direction to respondents to recalculate the pay and pay the pension on the basis of 10 months actual salary drawn by him upto 31/12/1995 and all arrears arising therefore w.e.f. 1/8/1996. He has also claimed interest

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@ 24% on delay of payment of provident fund (Rs.1,05,145/-) from 1/8/1996 to 14/8/1997.

3. ~~Infact~~^{Infact}, The applicant has also prayed for apyment of TA Bills of the applicant for the months of July and August 1995, and also arrears of pay, and security deposit. Infact the applicant was subjected to disciplinary proceedings in which^u order of punishment was passed by Disciplinary Authority on 1/1/1996 by which the applicant was reduced from 1600-2660 to 1400-2400 till he retired from service i.e. upto 31/7/1996. The Vth Pay Commission recommendation however were accepted from 1/1/1996, ~~through~~^{from} applicant became eligible for revised pay and the pension should have been calculated on the basis of last 10 months pay of the applicant. This has not been done by respondents. Applicant is also entitled for revision of pension accordingly.

4. Shri V.S.Masurkar, learned counsel for respondents has submitted that the steps have already been taken for granting relief to the applicant. However, the amounts could not be paid^u as litigation was pending at different stages. For the delay in payment, it has been stated that the appeal was decided by the Appellate Authority on 29/6/1999 and the amount of Provident Fund could not be paid until the appeal was decided. The delay of about a year ~~with~~ⁱⁿ the circumstance was in consequence^u. The applicant is not entitled to any interest.

5. We have carefully considered the submissions made by counsel for parties. The Vth Pay Commission recommendation were accepted from 1/1/1996, applicant was entitled for the relevant scale in accordance with the law, ~~rules~~^{as} mentioned above. This

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OA is accordingly disposed of finally with a direction to respondent no.2, Chief Engineer(C), Central Railway, Headquarters Office, CST, Mumbai to get the matter of payment of the applicant finalised within a period of three months from the date of receipt of copy of the order and to pay him the entire amount due to him within the ^{same} period. There will be no orders as to costs.



(SHANKAR PRASAD)
MEMBER(A)



(R.R.K. TRIVEDI)
VICE CHAIRMAN

abp