

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated **28 FEB 1995**

APPLICATION NO 1209/94 and 1217 to 1219 of 1994.

APPLICANTS:- Sri V. Jithender and three Others.,

V/S.

RESPONDENTS:- The Chief Personnel Officer, Southern Railways,
Madras and another.,

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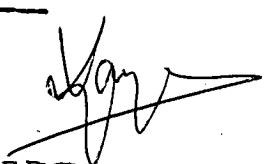
1. Sri.M.S.Subbareyappa, Advocate,
No.424, Fifth Cross, First Block,
Jayanagar, Bangalore-560 011.
2. Sri.A.N.Venugopala Gowda, Advocate,
No.8/2, Upstairs, R.V.Road,
Bangalore-560 004.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 16-02-1995.

Issued on
28/02/95


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS.1209/94 & 1217 TO 1219/94

THURSDAY THIS THE SIXTEENTH DAY OF FEBRUARY, 1995

MR. V. RAMAKRISHNAN

MEMBER (A)

MR. A.N. VUJJANARADHYA

MEMBER (J)

1. V. Jithender,
Retd.TTI/II/Arasikere Railway
Station, Southern Railway,
Mysore Division,
Mysore R/o 3452/12, 4th Main
Road, Tilak Nagar,
Mysore - 570 021
2. C. Pttaswamy,
Retd. TTI/Mysore Rly Station,
Southern Railway, Mysore division,
Mysore
R/o 1011, MIG 9th Main Road,
2nd Cross, Vivekananda Nagar,
Mysore - 570023
3. P.L. Kannan,
Retd TTE/SBC
Southern Railway,
Mysore Division,
Mysore r/o 580,
9th Main, T.K. Layout,
Kuvempu Nagar,
Mysore - 570023
4. M. Keshavan,
Retd. CTTI/Mysore Railway Station,
Southern Railway,
Mysore Division,
Mysore r/o 63,
1st Main Road,
Jayalakshmipuram,
Mysore - 570012

Applicants

(By Advocate Shri MS. Subbarayappa)

v.

1. Union of India
represented by Chief Personnel
Officer, Southern Railway,
Park Town,
Madras - 3
2. The Divisional Manager(Personnel),
Southern Railway, Mysore Division,
Mysore

Respondents

(By learned Standing Counsel)
Shri A.N. Venugopal Gowda



ORDER

MR. V. RAMAKRISHNAN, MEMBER (A)

We have heard Shri M.S. Subbarayappa, learned counsel for the applicant and Shri A.N. Venugopal, the learned Standing Counsel for the Railways. We find that the controversy in this application is covered by an order made by the Bangalore Bench of the Tribunal in O.A.No.94/93 which was disposed of on 10.1.94. The Tribunal disposed of the case at the admission stage following the decision of the Madras Bench while disposing of application Nos.336 to 338/92 and other connected applications decided on 1.11.93. The Tribunal had then directed as follows:

1. The respondent is directed to consider the cases of each of the applicants for extension of the benefits in terms of circular order No.P(s)443/III/T.C.Staff/Court Case/TPD Dn.(Pilot) dated 22.9.1992;
2. In case they are found eligible for the benefit of that order they may be promoted to the appropriate grades viz (a) in the scale of Rs.425-640 with effect from 29.6.1976, (b) in the scale of Rs.550-750 with effect from 26.11.76 and (c) in the scale of pay of Rs.700-900 with effect from 1.8.79, all on proforma basis;
3. It is open to the respondents or any other competent authority to arrive at a decision to call for additional particulars about each applicant in support of his claim and to call for the same within a period of 1 month from the date of receipt of this order.
4. The cases of the applicants shall thereafter be decided within a period of three months from the date of receipt of the particulars and an order communicated to the applicants.
5. In case the applicants are found fit for promotion, their pay may be fixed notionally from the respective dates as

asked for in the prayer and the pension of the applicants shall then be redetermined by the respondents on the basis of the above refixation of pay.

6. The pension so revised shall be payable to the applicants with effect from the date of filing of these applications from month to month along with appropriate relief.
7. The arrears, if any, to be calculated and paid from a period of 1 year from the date of this order."

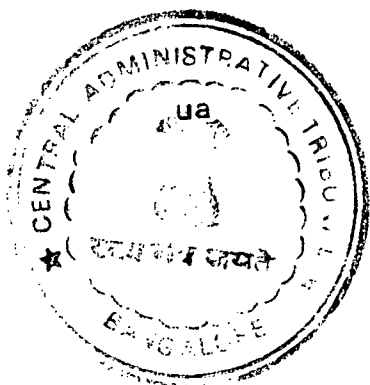
2. As regards arrears as mentioned in direction ¹² above, the learned counsel for the applicant brings to our notice the decision of the Ernakulam Bench in a similar case decided on 10th August, 1994, where according to him the issues involved were identical and where the Tribunal had not imposed any restriction that the arrear be calculated and paid from a period of one year from the date of the order. He, therefore, prays that this restriction may be deleted. We are not aware as to what were the facts in the case before Ernakulam Bench nor do we know the date of entitlement of the applicants therein. We, therefore, would fall in line with the general ^{Approach} ~~approval~~ of the Tribunal in such cases and direct that the arrears would be calculated and paid ~~for~~ from the period of one year prior to the date of filing of the application. Subject to the above, this application stands disposed of with the same directions as contained in the order of the Bangalore Bench of the Tribunal in O.A.No.94/93



decided on 10.1.1994. No costs.

Sd/-
MEMBER (J)

Sd/-
16/2/95
MEMBER (A)



TRUE COPY

Sd/-
58/02/95
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore