

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION NO. : 1102/97**

**Date of Decision : 25.2.2002**

B.N.Rao **Applicant**

None **Advocate for the  
Applicant.**

**VERSUS**

Union of India & Ors. **Respondents**

Shri Suresh Kumar **Advocate for the  
Respondents**

**CORAM :**

The Hon'ble Shri Justice Ashok C. Agarwal, Chairman

The Hon'ble Smt. Shanta Shastray, Member (A)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library ✓

*Shanta S.*  
**(SMT. SHANTA SHASTRY).**  
**MEMBER (A)**

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.1102/97

Monday this the 25th day of February, 2002.

CORAM : Hon'ble Shri Justice Ashok C. Agarwal, Chairman

Hon'ble Smt. Shanta Shastry, Member (A)

B.N.Rao,  
Retired Mail Guard,  
Mumbai CST,  
R/at C-5, Rail Nagar,  
Koyambedu, Chennai.

...Applicant

None for the Applicant

vs.

1. Union of India  
through The General Manager,  
Central Railway, CST,  
Mumbai.

2. The Divisional Railway Manager,  
Central Railway, CST,  
Mumbai.

...Respondents

By Advocate Shri Suresh Kumar

O R D E R (ORAL)

{Per : Smt. Shanta Shastry, Member (A)}

The applicant who was a Mail Guard in the Central Railway retired from service on 31.10.1996. According to the applicant he was drawing the monthly salary of Rs.2720/-. The applicant has given details of the salary drawn up by him yearwise w.e.f. 1.1.1986 to 1.1.1996 in para 2 of the OA. and accordingly, the

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..2/-

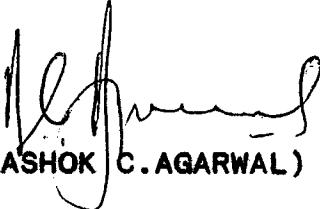
applicant claims that the average of his 10 months' salary is Rs.2720/- and his pension should have been fixed on this basis by adding 55% of the basic pay as in the case of running staff retired/retiring on or after 1.4.1979, whereas the respondents have fixed his monthly pension based on lower salary than Rs.2720/-. The applicant's monthly pension according to him should have been at Rs.2108/- whereas the PPO shows his pension as Rs.2085/-, i.e. Rs.23/- less. Similarly, the commuted value is also shown less in the PPO.

2. None is present on behalf of the applicant. It is seen that on earlier occasions also the applicant was not present, i.e. on 19.11.2001, 5.12.2001, 13.12.2001, 22.1.2002 and 20.2.2002. We, therefore, proceed to dispose of the OA, on the basis of available pleadings in terms of Rule 15 of the CAT (Procedure) Rules.

3. Shri Suresh Kumar on behalf of the respondents submits that the applicant's pension has been fixed properly based on the pay drawn by him as per his service record. According to the learned counsel for the respondents, the applicant's pay as on 1.1.1986 was fixed at Rs.2200/- in the pay scale of Rs.1400-2600 w.e.f. 1.1.1986. As on 1.6.1986 his pay was fixed at Rs.2250/-. Thereafter, he reached the maximum of the scale, i.e. Rs.2600/- as on 1.6.1992. He stagnated there for 2 years and he got one stagnation increment w.e.f. 1.6.1994. The second stagnation

increment became due only from 1.6.1996. Accordingly, his pay was taken as Rs.2600 + 60 from 1.1.1996 to 31.5.1998, i.e. Rs.13,300/- revised and Rs.2600 + 120 from 1.6.1996 to 31.10.1996. Thus, the total of 10 months' pay works out to Rs.26,900/- and average being Rs.2690/- adding 55% personal mileage of Rs.1479.50, his average emoluments were worked out at Rs.4,169.50. The learned counsel for the respondents has produced the service record and this tallies with the service record. It cannot therefore be accepted that the applicant's pay was Rs.2300/- as on 1.1.1986. Since the applicant has calculated his subsequent pay upto 1996 on the aforesaid basis, it does not hold good because he was drawing only Rs.2200/- p.m. as on 1.1.1986. We, therefore, do not find any merit in the OA. Accordingly, it is dismissed. No order as to costs.

Shanta  
} (SMT. SHANTA SHASTRY)  
} MEMBER (A)

  
(ASHOK C. AGARWAL)  
CHAIRMAN

mrj.

Judgement despatched  
to Applicant/Respondent(s)  
on 13/3/2002

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