

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

OA 744/89 & OA 17/90.

Dt. of Order:14-2-94.

OA 744/89.

D.Satyanarayana

....Applicant

Vs.

1. Divisional Railway Manager,  
SC Riys, Vijayawada.
2. Chief Personnel Officer,  
SC Riys, Rail Nilayam,  
Sec'bad.
3. Secretary (Estb.) Railway Board,  
Rail Bhawan, New Delhi.
4. General Manager, SC Riys,  
Rail Nilayam, Sec'bad.

....Respondents

OA 17/90.

- |                       |                |
|-----------------------|----------------|
| 1. V.Venkateswara Rao | 8. P.V.Varma   |
| 2. D.V.Reddi          | 9. P.Ratnam    |
| 3. K.V.Ratnam         | 10. B.Narayudu |
| 4. M.D.Ghouse         |                |
| 5. M.Narasimha Rao    |                |
| 6. K.Pydaiah          |                |
| 7. A.J.Gilbart        |                |

...Applicants

Vs.

1. Secretary,  
Ministry of Railways,  
Govt., of India, New Delhi.
2. The General Manager,  
SC Riys, Sec'bad.
3. Manager,  
SC Riys,  
Vijayawada Division.

...Respondents

.....2.

(34)

O.A.Nos. 744/89 and 17/90

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. These two OAs are being disposed of by the common judgment as the same point arises for consideration.

3. The applicant in OA 744/89 retired from service on 31.1.1989 as Special 'A' Grade Guard. The applicants 1 to 4 in OA 17/90 retired as Drivers 'A' Special, while the applicants 5, 6 and 8 therein were ~~XXXXXXXXXX~~ Guard 'A' Special~~s~~ by the time of their retirement and the applicants 7, 9 and 10 therein were Guard 'B', Guard 'C' and Shunter 'B' respectively by the date of their respective retirement. <sup>were running staff and they</sup> All of them retired ~~xx~~ from service <sup>before</sup> ~~after xx~~ 4.12.1988. These OAs were filed praying for a direction to the respondents that the running allowance <sup>not</sup> exceeding 75% of their pay should be treated as pay for fixing their pension and other retiral benefits.

4. The contention for the respondents is that the running allowance not exceeding 45% of the ~~pay of the~~ running ~~XXXXXXXXXX~~ staff ~~xx~~ who retired prior to 1.4.1979 and the running allowance not exceeding 55% of the ~~pay~~ of the running staff retired on or after 1.4.1979 should be treated as pay for fixation of the pension and other retirement benefits.

contd....

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5. The same point had arisen for consideration before the Full Bench of this Tribunal in OA 395/90 and others on the file of the Bangalore Bench.

6. The following directions are given by the Full Bench as per their judgment dated 16.12.1993:-

"(1) The respondents shall recompute the pension and other retiral benefits of the applicants or their L.Rs in accordance with Rule 2544 as was in force before it was amended by Notification dated 5.12.88.

(2) The arrears due to the applicants/LRs on the basis of the recomputation as aforesaid shall be calculated and paid.

(3) These directions shall be carried out within a period of three months from the date of receipt of the copy of this order.

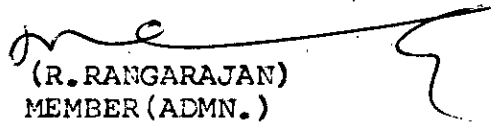
(4) If the amounts due to the applicants/LRs are not paid within the prescribed time, the amounts due shall be paid with interest at 12% per annum from the date of this order till the date of payment.

(5) The applicants shall be entitled to costs at the rate of Rs.500/- in respect of each application.

contd....

dance with the orders/directions as may  
be issued by the Supreme Court in SLP No.  
10373/90 against the decision of the  
Ernakulam Bench of the Tribunal in  
Application No.K-269/88.

7. These OAs are disposed of with the same directions. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 14th February, 1994.  
Open court dictation.

  
Deputy Registrar(Judl.)

vsn

Copy to:-

1. Divisional Railway Manager, S.C.Railway, Vijayawada.
2. Chief Personnel Officer, S.C.Railways, Railnilayam, Secunderabad.
3. Secretary(Estb.) Railway Board, Railbhavan, New Delhi.
4. General Manager, S.C.Railways, Railnilayam, Sec'bad.
5. Secretary, Ministry of Railways, Govt. of India, New Delhi.
6. Manager, S.C.Railways, Vijayawada Division, Vijayawada.
7. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
8. One copy to Sri. Koka Satyanarayana, advocate, CAT, Hyd.
9. One copy to Sri. N.R.Devaraj, SC for Rlys, CAT, Hyd.
10. ~~One~~ spare copy

Rsm/-

*10373/90*

✓ OAS 744/894 17/90

2-Cases

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER  
(ADMN)

Dated: 14/2/1994.

ORDER/JUDGMENT: \_\_\_\_\_

M.A./R.A/C.A. No.

O.A. No.

744/894 17/90

T.A. No.

(W.P. No. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

