

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD.

O.A.No. 441/91

Date of Decision: 25.9.92

T.A.No.

Khaja Mainuddin

Petitioner.

Mr.G.Mohan Rao

Advocate for  
the Petitioner(s)

Versus

The Divisional Railway Manager Paybill Unit 883,

S. C. Railway, Secunderabad and another.

Respondent.

Mr.V.Bhimanna

Advocate for  
the Respondent  
(s)

CORAM:

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

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

T. C. N.  
(HTCSR)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.441/91

Date of Order: 25.9.1992

BETWEEN:

Khaja Mainuddin .. Applicant.

A N D

1. The Divisional Railway Manager,  
(Personnel) (S&T), Paybill Unit  
883 B.G.S.C. South Central Railway,  
Sanchalambhavan, Secunderabad.

2. Sr. Divisional Accounts Officer,  
B.G.S.C. S.C.Railway, Sanchalan  
Bhavan, Secunderabad. .. Respondents.

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Counsel for the Applicant .. Mr.G.Rama Rao

Counsel for the Respondents .. Mr.V.Bhimanna, S.C. for Rly

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CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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(Order of the Single Member Bench Delivered by  
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.) ).

--- T.C.R.

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T This is an application filed under Section 19 of The Administrative Tribunals Act to direct the respondents to ~~deem~~ fix the pension of the applicant by taking into consideration <sup>of</sup> the average emoluments for 10 months prior to his retirement and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The applicant was appointed as Signal Khalasi in the year 1965. He was promoted to <sup>the post of</sup> Painter in the year 1971. He was further promoted as Painter Grade 'B' in the year 1984. The applicant took voluntary retirement on 15.7.1989. The applicant at the time ~~of~~ he took voluntary retirement was drawing basic pay of Rs.1440 in the revised pay scales. But the department while fixing the pension ~~had~~ taken into consideration the pay of the applicant as Rs.1380. It is the grievance of the applicant that his pay <sup>ought</sup> ~~and~~ to have been fixed on the basis of his pay <sup>Average</sup> ~~Rs.1440/-~~ which he has drawn for each of the months for <sup>The</sup> last 10 months prior to retirement and ~~not~~ on the basis of Rs.1380/- and hence the present CA is filed.

The respondents in their counter <sup>have</sup> ~~are~~ maintained that the applicant w.e.f. 1.1.1984 was actually promoted in the year 1986 as Painter Grade 'B' and while fixing his pay w.e.f. 1.1.1984 as Painter Grade 'B' that a mistake had been committed and that mistake was found after the applicant had voluntarily retired and that the applicant was entitled to receive a basic pay of Rs.1380 prior to his retirement and hence the applicant had no right to get pension fixation on the basis of his pay as Rs.1440 and as his pension has been correctly fixed as the pay of the applicant ~~at~~ Rs.1380 that this CA was not maintainable

<sup>Approach</sup>  
Before this Tribunal the applicant had issued a legal notice to the respondents on 23.9.1990. This OA is filed on 9.4.1991. As the respondents have not given reply to the notice of the applicant, <sup>the Applicant</sup> before ~~approach~~ this Tribunal

T. C. Singh

12/9

Copy to :-

1. The Divisional Railway Manager, (Personnel) (A&T), Paybill Unit 883 B.G.S.C. South Central Railway, Sanchalambhavan, Secba
2. Sr. Divisional Accounts Officer, B.G.S.C.S.C.Railway, Sanchalan Bhavan, Secunderabad.
3. One copy to Sri. G.Rama Rao, advocate, HIG-1, Block No.5, Flat No.10, Baghlingampally, Hyd.
4. One copy to Sri. V.Bhimanna, SC for Railways, CAT, Hyd.
5. One spare copy.

Rsm/-

Handwritten initials and a checkmark at the bottom left corner.

.. 3 ..

the applicant had <sup>complied</sup> ~~directly contends~~ th with the provisions of Section 20 of the Administrative Tribunals Act.

During the course of hearing of this CA Mr. Rama Rao learned counsel for the applicant contended that the action of the respondents without giving an opportunity to the applicant in fixing the pension on the basis of pay Rs.1380/- was arbitrary. He further maintained as the applicant had drawn Rs.1440/- as his pay prior to his retirement that as per the Railway rules and regulations that the respondents should have fixed his pension on the basis of his pay as Rs.1440/-. After hearing both sides we are of the opinion that it would be just and fair to permit the applicant to make a detailed representation for redressal of his grievance to the respondents and to give a direction to the respondents to pass final orders on the said representation of the applicant.

Hence we permit the applicant to make a detailed representation to the respondents for redressal of his grievance or grievances within a fortnight from today. The respondents shall receive the said representation and pass final orders thereon within 2 months thereafter. If the applicant is aggrieved by the final orders passed by the respondents in fixing the pension the applicant would be at liberty to approach this Tribunal afresh in accordance with law.

With the said directions CA is disposed of, leaving the parties to bear their own costs.

*T. Chandrasekhara Reddy*  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 25th September, 1992

(Dictated in Open Court)

*By Registrar*

Contd.

(A)

O.A. No. 441/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN; M(A)

AND

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

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 25/9/1992

ORDER/JUDGMENT:

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

in

O.A.No.

441/91

T.A.No.

(wp.No)

Admitted and interim directions  
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No. of copies sent to the Tribunal

DESPATCH

OCT 1992

HYDERABAD BENCH.

pvm

*[Handwritten signature]*  
25/9/92