

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

D.A.NO.1205/93

Between:

G.Jacob

Date of Order: 28.2.95.

...Applicant.

And

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. Financial Adviser and Chief
Accounts Officer, South
Central Railway,
Railnilayam,
Secunderabad.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada.

...Respondents.

Counsel for the Applicant : Mr.M.Lakshmana Murthy

Counsel for the Respondents : Mr.V.Bhimanna, Addl. GSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (Admn.)

contd...

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative)X

The applicant who was a Shunter in Vijayawada division under R-3 voluntarily retired from service on 13.6.1989. At the time of his voluntary retirement he had put in 26 years 4 months and 29 days of service. Since the applicant voluntarily retired from service after completing 20 years of minimum service, weightage of 5 years was also added to the qualifying service and thereby his total service for the purpose of final settlement was reckoned as 31 years 4 months and 29 days or 31½ years in terms of Railway Board letter No.E(P&A)/1-77/RT/46 dated 9.11.1977. The pay of the applicant on the date of his retirement was Rs.1410/-. R-3 has settled his final settlement accordingly.

2. The applicant states that his basic pension has not been calculated properly taking into account the running allowance at the rate of 55% of his basic pay. It is further alleged that because of wrong fixation of pension, his commutation amount was also not properly calculated and he is entitled for a residual pension of Rs.676/- after deducting the commutation amount.

3. It is further urged for the applicant that as the running allowance at the rate of 55% of the basic pay was not taken into account, his DCRG and leave encashment were also calculated wrongly and hence he is entitled for a further sum of Rs.22,115/- towards difference in payment of the above retirement benefits with interest at 12% per annum payable thereon.

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allowance calculated at the rate of 55% of the basic pay had also been added. This works out to Rs.2185-50 ps. per month and as per rules (his qualifying service being 31½ years) had been calculated correctly and paid to him. Thus there appears to be no discrepancy in regard to the calculation of DCRG.

9. As regards leave encashment, the details of calculation at item 4(d) (page-3 of the counter) leaves no doubt to suspect that it is wrongly calculated.

10. As regards pension, the average emoluments for last 10 months prior to the date of his retirement has to be calculated. The average 10 months emoluments from 15.8.1988 to 13.6.1989 were calculated at page-2 of the counter and the average emoluments works out to Rs.1369-40 ps. The last pay drawn on 13.6.1989 the date of his retirement has been taken as Rs.1410/- and this is also not disputed by the applicant. The average monthly emoluments of Rs.1369-40 ps. and 55% of the K.M. allowance to be added thereto works out to Rs.2122.57 as total monthly emoluments prior to the date of the retirement of the applicant and the pension on that basis for qualifying service of 31½ years of service were correctly calculated as Rs.1014/- with effect from 14.6.1989. On that basis the commutation of pension works out to Rs.338-00 and the residual pension as Rs.676/- with effect from 1-7-1989.

11. Thus from the above calculations there appears to be no error in calculating the pension and other retiral benefits. The applicant in his rejoinder stated that his pension should be Rs.1164/- and not as sanctioned.

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4. He sent a representation to R-2 on 2-1-1993 seeking correct fixation and payment of pension and other retiral benefits. But, it is stated that there was no response to his representation.

5. Hence, he has filed this OA for a direction to the respondents to correctly fix his residual pension payable at Rs.1164/- per month with effect from 13-6-89 and for payment of arrears and for payment of Rs.5,785/- towards the difference in DCRG and a sum of Rs.8,380/- difference towards/in leave encashment and an amount of Rs.7950/- towards difference in commutation amount totalling to Rs.22,115/- with interest thereon at 12% per annum.

6. R-3 has filed a counter affidavit detailing the various emoluments for the 10 months period prior to his date of voluntary retirement. They have also given the detailed calculation of pension, DCRG, commutation of pension, Leave encashment in their counter affidavit at page-3. A rejoinder has also been filed by the applicant in this connection.

7. This OA is coming up for hearing a number of times. From the order sheet, it is seen that the applicant's counsel is taking adjournments on one pretext or the other and even today neither the applicant nor his counsel was present. Hence, I deem it fit to dispose of this case on merits on the basis of the records.

8. It is admitted even by the applicant in his rejoinder that his last drawn pay prior to his retirement is Rs.1410/-. Hence, there is no dispute in regard to his last drawn pay prior to his retirement. The DCRG has been calculated on the basis of the last pay drawn and an amount of Rs.775-50 per month for the running duty

PROV



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Though a detailed calculation was given by the respondents, the applicant has neither given his own calculation nor has shown any other calculation to show why he disputes the figure as given by the respondents. He has also not given his calculation for arriving at the other retiral benefits such as DCRG, Leave Encashment etc. In view of the above, rejoinder filed by the applicant does not throw any light to indicate that the calculation of the respondents is erroneous.

12. In view of what is stated above, I have come to the conclusion that the details given by the respondents in regard to calculation of pension, commutation, DCRG and leave encashment is in order and the applicant cannot dispute the calculation of respondents due to

13. In the result, the OA merits no consideration. Hence, it is dismissed. No costs.

On 9/2/95

(R.Rangarajan)
Member (Admn.)

Dated 28th February, 1995.

Dictated in open court.

Am/lni
13-3-95
DEPUTY REGISTRAR (J)

To

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Financial Adviser and Chief Accounts Officer, South Central Railway, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
4. One copy to Mr. M. Lakshmana Murthy, Advocate, 'Aditya' West Malkajigiri, Hanumanpet, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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10000

09-12-95/93

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMIN)

DATED 28-2 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A. NO.

O.A. No. 1205783

T.A. No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

No stamp copy

Central Administrative Tribunal
DESPATCH

23 MAR 1995 8/1

HYDERABAD BENCH