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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.1292/93

DATE OF JUDGMENT: 3.3.94

BETWEEN:

P.Kondaramaiah

.. Applicant

A N D

1. General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.

2. Financial Adviser and Chief
Accounts Officer, S.C.Railway,
Rail Nilayam, Secunderabad.

3. Senior Divisional Personnel Officer,
S.C.Rly., Vijayawada Division, Vijayawada.

.. Respondents.

APPEARANCE:

COUNSEL FOR THE APPLICANT(s):

.. Mr.M.Lakshmana Murthy

COUNSEL FOR THE RESPONDENTS:

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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No.O.A.No.1292/93.

Date: 3.3.1994

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri M.Laxmana Murthy, learned counsel for the applicant and Sri V.Bhimanna, learned Standing Counsel for respondents.

2. This O.A. was filed for a direction to the respondents to correctly fix the pension taking into account running allowance to the extent of 75% of last pay drawn as per Judgment of Ernakulam Bench of this Tribunal in O.A.No.K-269/88 dt. 20.4.1990 and to pay arrears on the basis of the above calculations.

3. The applicant was Guard 'A' and retired from service on 30.9.1984 after putting a service of 37 years. This O.A. has been filed for reliefs as mentioned above.

4. The same point came up for consideration before the Full Bench of this Tribunal in O.A.No.395/90 and others on the file of Bangalore Bench of this Tribunal. It was held therein that the computation of pension should be done in accordance with statutory rules then in force in respect of those persons retired between 1.1.1973 and 4.12.1988. As per Rule-2544, which was in force before it was amended by notification dt. 5.12.1988, 75% of basic pay was the maximum limit fixed which qualifies for pension and other pensionary benefits. In view of the above decision of the Full Bench, the following direction is given.

The respondents shall recompute the pension and other retirement benefits of the applicant in accordance with Rule 2544 as was in force before it was amended by notification dt. 5.12.1988.


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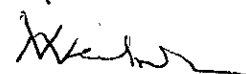
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5. The pensionary benefits will be fixed accordingly and the arrears will be paid to the applicant within four months from the date of communication of this order. The payment of pension and retirement benefits as per the aforesaid directions shall stand regulated/adjusted in accordance with the orders/directions as may be issued by the Supreme Court in S.L.P.No.10373/90 against the decision of the Ernakulam Bench of the Tribunal in Application No.K-269/88.

6. The applicant is not entitled to any costs as this O.A. was filed after pronouncement of the Judgment of the Full Bench.

7. The O.A. is ordered accordingly at the admission stage.


(R.Rangarajan)
Member(Admn.)


(V.Neeladri Rao)
Vice Chairman

Dated 3rd March, 1994.


Deputy Registrar(J)CC

Grh.
To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Financial Adviser and Chief Accounts Officer, S.C.Rly, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer.
4. One copy to Mr.M.Lakshmana Murthy, Advocate, 'ADITYA' West Malkajgiri, Hanumanpet, Hyd.
5. One copy to Mr.V.Bhimanna, SC for Rlys. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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7/3/94.

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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. A. B. GORTHY : MEMBER (A)

AND

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

AND

MR. S. S. S. : MEMBER
(ADMN)

Dated: 3-3-1994.

~~ORDER/JUDGMENT:~~

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

in

O.A.No.

T.A.No.

1292/93

(W.P.No.)

Admitted and Interim Directions
issued.

.....

Disposed of with directions *of admission*
for

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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