

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.147/93

Date of Order: 25-2-1993

BETWEEN:

M.Krishna Murthy

.. Applicant

A N D

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

2. Divisional Railway Manager (Personnel),  
S.C.Railway, Vijayawada.

3. Sr. Divisional Engineer  
(Co-ordination), S.C.Rly.,  
Vijayawada.

4. Assistant Engineer (Maintenance),  
S.C.Rly., Bhimavaram  
(W.G.District).

.. Respondents.

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Counsel for the Applicant

.. Smt. Sarada  
for  
Mr.P.KrishnaReddy

Counsel for the respondents

.. Mr.J.R.GopalReddy

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CORAM:

HON'BLE SHRI N.V.KRISHNAN, VICE-CHAIRMAN (ADMN.), AHMEDABAD BENCH

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

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P. J. R.

(17)

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Order of the Division Bench delivered by  
Hon'ble Shri N.V.Krishnan, Vice-Chairman, (Admn.).

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Smt. Sarada for Mr. P. Krishna Reddy, Advocate for the applicant and Mr. J. R. Gopal Rao, Standing Counsel for the respondents are present.

2. The applicant is retired employee ~~of~~ the Railways. Having retired on 30.9.1992. The grievance of the applicant is that the pensionary benefits have not been given to him. It is stated in the application that the applicant was suspended by an order dt. 24.4.1991 and a memorandum of charges under rule 9 of the Railway Servant Disciplinary Rules '68 was issued on 4.11.1991 and the disciplinary proceedings are still pending. The applicant, however, claims that he is entitled to <sup>the</sup> pensionary benefits and has made a prayer accordingly.

3. It is seen from Rule 2316 of the Railway Pension Rules, that if any departmental proceeding is instituted against the Government employee and it is continued after retirement on superannuation he is entitled to the payment of pensionary benefits as provided in those rules. This provision corresponds to Sub Rule (4) of Rule 9 of the CCS Pension Rules ~~Railway~~.

4. When the case came up for admission, the learned counsel for the applicant stated that she would be satisfied that if a direction is issued to the respondents to pay pensionary benefits due to the applicant in accordance with law & preserve all the other rights of the applicant to claim other benefits after completion of the departmental enquiry.

5. In <sup>the</sup> view <sup>is</sup> ~~of~~ that we are taking the matter, we do not find it is necessary to wait for a formal reply from the respondents.

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P. J. R.

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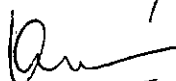
1. General Manager, South Central Railway, Rail Nilayam, sec-ba
2. Divisional Railway Manager(Personnel), South Central Railway Vijayawada.
3. Sr. Divisional Engineer(Co-ordination), South Central Railway, Vijayawada.
4. Assistant Engineer(Maintainance), South Central Railway, Bhimavaram, (W.G.District).
5. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
6. One copy to Sri. J.R.Gopal Rao, SC for Railways, CAT, Hyd.
7. One spare copy.

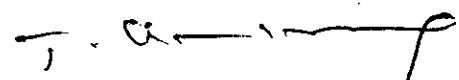
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6. In the circumstances, we dispose of this application at the admission stage with a direction to the respondents to pay to the applicant, within 2 months from the date of the receipt of this order, <sup>the</sup> provisional pension due to him consequent <sup>upon his</sup> ~~appointment to the~~ retirement w.e.f. <sup>30</sup> 13.9.1992 in accordance with Law and the provision of Rules 2316 of the Railway Pension Rules. We make it clear that the applicant may agitate any grievance that <sup>he</sup> ~~she~~ may have in regard to <sup>pensionary benefit</sup> after the departmental enquiry <sup>is</sup> ~~has~~ completed and final orders are passed.

Application is disposed of with the above said direction with no order as to costs.

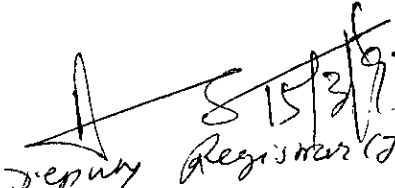
  
25/2/93  
(N.V. KRISHNAN)  
Vice-Chairman (Admn.)

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 25th February, 1993

(Dictated in Open Court)

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8/5/93  
Deputy Registrar (Judl.)

cont. ... 4/-

O.A. 147/93

TEMPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

N.V. Krishnan, v.c. (Adm.)

THE HON'BLE MR. P. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY  
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 26/2/1993

ORDER/JUDGMENT: ✓

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

in  
147/93

S.A.No.

T.A.No.

(W.P.No. )

Admitted and Interim directions  
issued.

Allowed

✓ Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs

pvm

