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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1492/93

BETWEEN :

1. T.Hanumaiyah
2. S.Venkata Pathi
3. Ch.Moses
4. B.Rama Govindu
5. O.Veeraswamy
6. S.Saffura Bi
7. Sk.Zaithum Bi
8. Y.Chinnamma
9. Sk.Moula Saheb
10. N.John Sundra Rao
11. E.Narasimha Murthy
12. B.Somaiah
13. P.Ramulu
14. G.Munikanthamma
15. J.Prakasa Rao
16. Md.Ebrahim Khan
17. M.John Pawl
18. N.Tataiah
19. G.Devadanam
20. B.Ragavaiah
21. A.Subba Reddy
22. M.Ben Son
23. K.Venkateswara Rao
24. Rabia Bee Bee
25. K.Satyanandam
26. S.Md.Ghouse
27. G.Gopala Rao
28. Abdul Sattar
29. B.Surya Prakasa Rao
30. Sd.Chingisha
31. Syed Ismail
32. P.Aron
33. P.Bhaktavastalam
34. D.Venkateswara Rao
35. B.Mishack
36. J.Nagayya
37. K.Pawl
38. N.K.Appanna
39. M.Ranga Rao
40. S.K.Khassim
41. Y.Venkateswaralu
42. Y.Lingaiah
43. M.Sundara Rao
44. T.Nageswara Rao
45. B.Kati Ratnamma
46. Khader Baig
47. K.Kondayya
48. I.Besterwitch
49. M.A.Rawoof
50. Peer Mohammad
51. D.Sugunamma
52. T.Appalaswamy
53. K.Desamma
54. S.A.Basheer
55. Md.Swlemen Sherkif
56. G.Padmavathi
57. K.Narayudu
58. K.V.Narayana
59. S.Prabhu Dass
60. M.Guravaiah

Date of Order: 25.2.1994

61. Smt. M.Lakshmi
62. B.Krishna Murthy
63. Smt. G.Ankamma
64. Smt.B.Marthamma
65. Smt Sk.Sharifunnisa Begum
66. Md.Basha
67. P.Bahadur Singh
68. Smt.Sk.Shajali Bee
69. Smt.M.Cheellamma
70. Smt. Mahaboobunisa
71. Smt. M.Shajathunisa
72. K.Gangadhara Rao
73. Smt. Mahaboob Bee
74. A.Siddaiah
75. Smt.Sk.Ashafunnisa
76. P.A.Venkatesan
77. Smt.S.Padmavathi
78. G.Veerayagha Rao
79. Smt. P.Samrajyam
80. M.Kannan Mudaliar
81. N.Gamaniel
82. P.P.Ramachandra Rao
83. S.A.Khader
84. L.Abraham
85. G.Radhakrishna Murthy
86. K.Babu Rao
87. S.Anjaneyulu
88. B.Kotaiah
89. S.Masthan
90. M.Padmavathi
91. P.Arogyamma
92. P.Mariyamma
93. Smt.Bashurunnisa
94. Pitchanna
95. G.Powles
96. Sk.Mahaboob S/o Sk.Imam
97. Sk.Mahaboob
98. B.Subbaiah
99. N.Seetha Ramanujamma
100. S.Adilakshmi
101. T.S.Abraham
102. Ch.Francis
103. P.Ismail Khan
104. R.Obless
105. Smt.J.Bhagyamma
106. Smt.Haneefa Bi
107. K.Appala Swamy
108. Ch.Jennamma
109. M.Manganna
110. G.Prasada Rao
111. Sk.Silar
112. K.Lurdhaiah
113. S.Seshagiri Rao
114. M.Ananda Rao
115. B.Sree Hari Rao
116. S.Rama Murthy
117. Sk.Md.Khasseem
118. L.Samuel John
119. Sk.Masthan
120. M.Devadanam

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121. K.Paramataiah
122. Smt.N.Margaret Janet
123. V.Parabrahma Rao
124. K.Barna Bas
125. Sk.Masthan
126. M.J.Devadanam
127. P.V.Subba Rao
128. P.Auyanna
129. N.Sikhmani
130. Sk.Mahaboob
131. P.Bala Swamy
132. Sk.Abdul Rahim
133. Smt.P.Sattamma
134. Sk.Nazi Bunasa Beebum
135. Ch.Solomon
136. B.Venkatesubbamma

.. Applicants.

A N D

1. Union of India, rep. by its
Secretary, Ministry of Railway,
Rail Bhavan
New Delhi.
2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. Divisional Railway Manager,
Vijayawada Division,
South Central Railway,
Vijayawada.

.. Respondents.

Counsel for the Applicants

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI V.NEELADRI RAO : VICE CHAIRMAN

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

JUDGMENT

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

Heard Sri P.Krishna Reddy, learned counsel for the applicants and Sri N.V.Ramana, Addl. CGSC for respondents.

2. While O.A. was filed for a decision on the point to fix the pension, DCRG, payment of encashment of leave amount, commutation amounts etc. of the applicants, correctly taking into account running allowance not exceeding 75% of basic pay prior to retirement.

3. The 103 out of the 136 applicants in this O.A. were all Loco/Traffic running staff in Railways and had retired from service between 1.1.1973 and 4.12.1988 on various dates. Remaining 33 applicants are the legal representatives of such staff. The names, Designation, dates of retirement and length of service of the applicants/deceased are indicated in Annexure-I of the O.A. This O.A. is filed for the relief 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 the 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 the 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 .

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5. The respondents shall recompute the pension and other retirement benefits of the applicants or their legal representatives in accordance with Rule 2544 as was in force before it was amended by notification dt. 5.12.1988.

6. The pensionary benefits will be fixed accordingly as indicated ~~in~~ paid to the applicants/legal representatives within four months from the date of communication of this order. The payment of pension/retirement benefits as per aforesaid directions shall stand regulated/adjusted ~~in~~ ~~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.

7. The applicants are not entitled to ~~in~~ this O.A. was filed after pronouncement of the Judgment of the Full Bench.

8. The O.A. is ordered accordingly.

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(R.Rangarajan)
Member(Admn.)

V.Neeladri Rao
Vice-Chairman

Dated 15th Feb., 1994.

Amelia 4-374
Deputy Registrar(J)cc

Grh.

To

1. The Secretary, Ministry of Railways,
Railbhavan, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Divisional Railway Manager, vijayawada Division,
S.C.Rly, Vijayawada.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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