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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 371/93.

Dt. of Order:4-3-94.

S.Satyanarayana Reddy

...Applicant

Vs.

1. The General Manager,  
SC Rlys, Rail nilayam,  
Sec'bad-500371.
2. Divisional Railway Manager (BG),  
Sanchalan Bhavan, Sec'bad-371.
3. Sr.Divisional Accounts (BG),  
SC Rlys, Sec'bad.

...Respondents

Counsel for the Applicant : Shri R.V.Kameshwaran

Counsel for the Respondents : Shri J.R.Gopal Rao, SC for  
Rlys

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

ISHS  
J.

...2.

(28)

O.A. 371/93

Dt. of Decision : 4.3.94

ORDER

As per Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

This is an application filed under section 19 of the Administrative Tribunals Act to direct the respondents to refix the terminal benefits like pension, gratuity, by taking into account 55% of the running allowance in the eligible emolument, and accordingly pay the retirement benefits at the enhanced rates along with the arrears from the date of retirement and pass such other order or orders as made deem fit and proper in the circumstances of the case.

2. The facts giving raise to this OA in brief are as follows:-

3. The applicant was initially appointed to the <sup>Indian</sup> Railway Service on 27.11.49 as a Temporary Engine Cleaner. He was promoted as Driver 'B' w.e.f. 1.6.81. Subsequently, he was posted to the stationary job as Running Room Inspector as per order dt. 28.6.1984. He assumed duty as a Running Room Inspector from 30.6.84. The pay of the applicant was Rs. 515 in the scale of Rs. 425-640(RS) as Driver B. But his pay was fixed at Rs. 700/- in the scale of Rs. 550-750 (RS) as Running Room Inspector duly taking 30% of pay towards the element Running Allowance as per the rules in force. The applicant retired from service on 30.11.1987 as Running Room Inspector on superannuation. The grievance of the applicant is

that 55% of his Running Allowance should be added to the basic pay of the applicant for arriving at the net pension amount due to him. As already pointed out ~~as~~ only 30% of pay towards the element of Running Allowance had been taken into consideration while fixing his pay in the post of Running Room Inspector. The applicant has approached this Tribunal for <sup>a</sup> direction to the respondents, as already pointed out, <sup>in</sup> ~~addition~~ for 55% of his Running Allowance ~~should be added~~ to the basic pay of the applicant for calculating this pensionary benefits.

4. Counter is filed by the respondents opposing this OA.

5. This OA was listed ~~for~~ for final hearing on 2.3.94. There <sup>was</sup> ~~is~~ no representation on behalf of the applicant. None were present on 2.3.94. After hearing Mr. J.R.Gopala Rao standing counsel for the respondents, this OA which was listed for orders on 2.3.94, was ordered to be listed for dismissal on 4.3.1994 that is on today. Today also there is nobody on behalf of the applicant. There is no representation on behalf of the applicant. We have heard Mr. J.R. Gopala Rao counsel for <sup>who</sup> the respondents is present. After hearing Mr.J.R.Gopala Rao standing counsel for the respondents and after perusing the material before us, we proceed to dispose of this matter on merits. It is not in dispute that the applicant was posted to the stationary job as Running Room Inspector in the scale of Rs. 550-750 by order dt. 28.6.1984 to which

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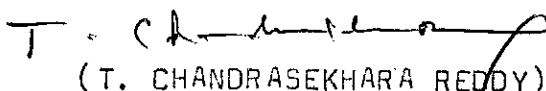
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*The duties*  
post he reported had been fixed at Rs. 700/- in the scale of Rs. 550 - 750 (RS) as a ~~Running Room Inspector~~ duly taking 30% of pay towards the element of Running Allowance as per the rules in force.

6. Admittedly the applicant was not working as Driver when he retired on 30.11.1987. The applicant had been working as Running Room Inspector which is stationary job at the time of retirement. As the applicant was transferred and posted from the category of Running Staff as Driver to the stationary post (R.R.I.) on promotion in a higher scale and in as much as 30% of pay was taken into account while fixing pay as R.R.I. in the year 1984, we are unable to understand how the applicant is entitled for taking into account 55% of this pay towards element of Running Allowance for calculating retirement benefits as already pointed out he was working in a stationary job.

7. Learned counsel for the respondents has drawn our attention to the Railway Boards letter dt. 24.4.1987 with regard to the determination of the pay <sup>element</sup> in the revised scale of pay <sup>for</sup> Running Staff and ~~Rate~~ of running allowance. From the Railway Boards letter dt. 24.4.87 it is quite evident that the pay element in Running Allowance <sup>for</sup> ~~though~~ running staff would be 55% for retirement benefits and 30% for all other

purposes ~~and higher~~ to for and the same is effective from 1.1.86. So that being the position the applicant who retired in the year 1987 in a Stationary job as Running Room Inspector is not entitled to demand for 5% of his pay towards running allowance for calculating retirement benefits. So as per provision in the OA and the OA is liable to be dismissed and accordingly dismissed. Parties ~~there~~ shall bear their own costs.

  
(T. CHANDRASEKHARA REDDY)  
MEMBER (JUDL.)

Dated : The 4th March 1994.  
(Dictated in Open Court)

  
Deputy Registrar(J)CC

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To

1. The General Manager, S.C.Rlys, Railnilayam, Secunderabad-371.
2. The Divisional Railway Manager(BG) Sanchalan Bhavan, Secunderabad-371.
3. The Senior Divisional Accounts(BG) S.C.Rlys, Secunderabad.
4. One copy to Mr.R.v.Kameshwaran, Advocate, B-35, Sithafalmandi Rly.Quarters, Secunderabad-361.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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