

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.981/94

DATE OF ORDER : 15-10-1997.

Between :-

M.Satya Rao

... Applicant

And

1. Divisional Railway Manager, SC Rlys,
Vijayawada.
2. General Manager,
SC Rlys, Railnilyam,
Sec'bad.

... Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

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

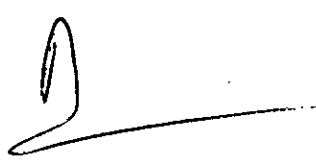
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CORAM:

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri G.V.Subba Rao, counsel for the applicant and Sri J.R.Gopal Rao, standing counsel for the respondents.

2. The applicant in this OA while working as Driver-A (Special) at Rajahmundry in Vijayawada Division, S.C.Railway retired from service with superannuation. Running allowance to the extent of 55% was added ^{while} was determining the final retiral benefit. The applicant in this OA submits that it should be 75% of the running allowance instead of 55% as was the rule existing at that time. He is relying on the judgement of the Ernakulam Bench and Full Bench to request for the above benefit.

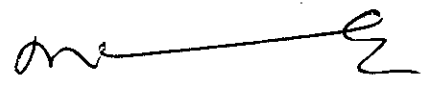
3. This OA is filed praying for a direction to the respondents to extend the benefit of the judgement of the Bangalore Bench in fixing his pension and other retiral benefits taking into account of running allowance as 75% of his pay and allowances for the purpose of computing his pension and pay him consequential benefits such as arrears of pension fixation, DCRG, Commutation of pension and other retiral benefits.

4. A reply has been filed in this OA. The facts of ^{this case} ~~this~~ such as the date of retirement of the applicant, designation ^{etc} are not disputed. However, the respondents submit that the judgement of the Full Bench of Bangalore Bench has been stayed by the Supreme Court in SLP (Civil) No.6197 of 1994 (filed in OA 320/92), on 15-4-94 and hence the applicant is not entitled for the relief at this stage.



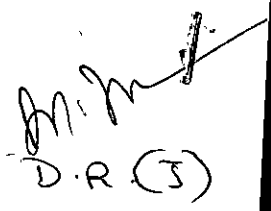
5. Learned counsel for the applicant submits that the above said SLP has been dismissed. However he has not produced the dismissal order of the Supreme Court. Hence the applicant should show the respondents that he is similarly placed as the applicant in OA 320/92 on the file of the Bangalore Bench. If such a document is produced, then the applicant is also entitled for the relief as granted in CA 320/92 ^{against} for which SLP Bearing No.6197/94 has been filed in the ^{which is reported to have been dismissed} Apex Court. In regard to the question of limitation, the applicant is to be given the same treatment as was given in the above referred OA.

6. The Respondents are at liberty to examine the facts submitted by the applicant and take a final decision on the basis of the facts of this case and on the basis of the basis of the judgement of the Supreme Court. With the above direction, the O.A. is disposed-of. No order as to costs.



(R. RANGARAJAN)
Member (A)

Dated: 15th October, 1997.
Dictated in Open Court.



D.R. (J)

avl/

DA. 981/94

1. The Divisional Railway Manager, South Central Railway, Vijaywada.
2. The General Manager, South Central Railway, Secunderabad.
3. One copy to Mr. G.V. Subba Rao, Advocate, CAT., Hyd.
4. One copy to Mr. J.R. Gopala Rao, Addl. CGSC, CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

SFF

23/10/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 15/10/97

ORDER/JUDGMENT

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

in

O.A.NO. 981/94

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

