

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 38/94.

Dt. of Decision : 25-8-94.

T. Samuel

.. Applicant.

vs

1. The Divl. Railway Manager,
SC Rly, Vijayawada.
2. The Sr.Divl.Accounts Officer,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicant : Mr. J.M. Naidu

Counsel for the Respondents : Mr. D.Gopala Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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OA 38/94.

Dt. of Order : 25-8-94.

(Order passed by Hon'ble Shri A.B.Gorthi, Member (A)).

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The grievance of the applicant is that on his retirement from the Railways on 30-6-1989, his pensionary benefits were not correctly calculated and paid to him. He made representation but without any success. Hence this O.A., wherein his prayer is that all his pensionary benefits should be properly calculated and paid to him.

2. The Respondents in their counter affidavit have asserted sufficiently clarified the position and ascertained that all the amounts due to him on his retirement were correctly calculated and paid to him. Initially his pension was fixed at Rs.628+83. Subsequently on the implementation of the IV Pay Revision Commission, the pensionary benefits of the applicant were refixed and his revised pension was fixed at Rs.710/- p.m. with effect from 1-7-86. Subsequently due to the revision of the scale of pay of Mastries, the pensionary benefits of the applicant were once again

revised as under :-	<u>Revised</u> Rs.	<u>Re-revised</u> Rs.
1) Pension	710/-	713/-
2) Family Pension	200/-	713/- upto 17.6.93
3) Retirement Gratuity	21,192/-	24,420/-
4) Leave encashment	3,630.10	3,946.66
5) Commutation of Pension	26,234.00	29,749.00

3. The Respondents, in their counter states that the G.I.S. amount of Rs.952/- was duly paid to the applicant by crediting the same to the applicant's account No.6263 with S.B.I., Nidadavolu. As regards the contention of the applicant ~~applicant~~ that he is entitled to Rs.8,880/- towards encashment of leave salary, the Respondents denied the claim by stating that ^{the} applicant, at the time of retirement, had only 80 days L.A.P. to his credit and as such the amount due to him on account of leave encashment was correctly paid. The difference in the DCRG, a sum of Rs.165/- was also paid to the applicant.

4. As regards the correctness of the amounts of the pension fixed, the Respondents have given details of the average emoluments drawn by the applicant from 1-9-85 to 30-6-86. The same would show that the average monthly emoluments of the applicant were fixed at Rs.1,424.12 and accordingly the fixation of the pension of the applicant at Rs.713/- is correct. Shri J.M.Naidu, learned counsel for the applicant states that the grievance of the applicant is that some of these amounts stated to have been paid by the Respondents ^{were 1} ~~was~~ not received by the applicant. As the Respondents clarified that the amounts were all paid to the S.B. Account of the applicant, it is for the applicant to verify ~~with~~ the Bank to see whether the said

amounts were duly credited to his account or not. In case any such amounts, including the arrears of the difference in the pay due to the implementation of the ^{recommendation of} ~~IV Pay Revision Commission~~ are not found credited to his account, he may represent to the Sr. Divisional Accounts Officer, Vijayawada, (Respondent No.2), who on receipt of such representation shall take necessary remedial action within one month thereafter. If the applicant still feels aggrieved, he will be at liberty to approach the Tribunal. The D.A. is disposed of in the above terms with no order as to costs.

Amulya
(A. B. GORTHI)
Member (A)

Dated: 25th August, 1994.
Dictated in Open Court.

Amulya 26/8/94
av1/ DEPUTY REGISTRAR (J)

Copy to:

1. The Divisional Railway Manager,
South Central Railway, Vijayawada.
2. The Senior Divisional Accounts Officer,
South Central Railway, Vijayawada.
3. One copy to Mr. J. M. Naidu, Advocate, CAT, Hyderabad.
4. One copy to Mr. D. Gopal Rao, SC for Railways, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

*Amulya
for 26/8/94*

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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI: MEMBER(A)

Dated: 25.8.94.

ORDER/JUDGMENT.

~~M.C.P./R.P./C.P.NO.~~

O.A.NO. 38/94. ⁱⁿ

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Recd 26/8/94.

