

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.959/93

Date of Order: 25.2.1994

BETWEEN :

1. G.Papiah
2. P.Smith
3. G.L.Daniel
4. M.N.Vishvanadhan
5. V.Gurviah
6. M.Venkat Rao
7. D.Ramaswamy
8. P.Ramakrishna
9. D.Gopalakrishna
10. A.Balakrishna
11. S.Smith
12. P.Ramswamy
13. S.R.Apparao
14. A.Kanthaiah
15. M.Pandu Rangam
16. Tulsi Ram K.
17. N.Ramswamy
18. H.A.Mac Leod
19. Mallaiah Venkaiah
20. A.Dakaiah
21. A.Ramchander
22. SK.Maulana K.
23. G.Satyanarayana
24. N.Govindrajulu
25. G.Narshma K.
26. A.X.Francis
27. Y.Bhasker Rao
28. Mohan Rao M.
29. S.Salomon
30. B.Pandurangam
31. V.Ramamurthy
32. Aroik Swamy
33. A.Narshma V..
34. B.Anjaneyulu
35. P.Govindrajulu
36. P.Sathiah N.
37. Mallaiah N.
38. F.Murphy
39. V.R.Gandev
40. M.Subramaniam
41. SK.Moula S.H.
42. M.Mahadev Rao
43. Ariak Swamy M.
44. Chandraiah P.
45. Sherfu Thukaram
46. Sk.Abbas.
47. G.Narshma Rao
48. N.B.Parameshwar
49. Deria Vincent
50. S.Larazus

51. Narsimha Chandoo
52. B.R.Ramswamy
53. Smt. M.A.Lever
54. Smt. R.Martin
55. Smt. S.Roland
56. Smt. S.Kalavathi
57. Smt. N.D'souza
58. R.Rajalaxmi Smt.
59. Smt. A.Gangamma
60. Smt. Mahmooda Begum
61. Smt. N.Droupathi
62. Smt. Kamala Bai
63. R.Devamani Smt.
64. Smt. Hayeet Bee
65. Smt. A.Tulsi Bai
66. A.R.Govind Raj
67. G.Mogliah
68. Smt. K.Rukmini Bai
69. N.Narshma Rao
70. K.B.Poornachandu Lal.
71. Md.Hafeezullah
72. Smt. G.Balamani
73. Smt. C.Vijayawalsami
74. Smt. Aneernesa Begum
75. M.Chalapathi Rao
76. S.V.Rudravelu
77. O.Thomas
78. M.Krishna Murthy
79. Sathaiah Narshiah
80. Smt. Sharada Bai
81. D.Devasharyadam
82. R.Gabell
83. Iyloo Yenkaiah
84. Smt. Laxmi Kantham
85. J.Khimanlal
86. K.Panduranga Rao
87. A.P.Umapathy
88. O.R.Veera Swamy
89. K.Narsimha Rao
90. M.Pandari Rao
91. M.Kareem Khan
92. P.Sathiah S.
93. Rajiah Shasaiah
94. Smt. Yellamma
95. G.V.Gopalavarma
96. Ramaiah Seshiah
97. Mohd. Ayub Khan

.. Applicants.

A N D

Admitted on 12-8-93

.. 1A

JUDGMENT

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

Heard Sri P.Krishna Reddy, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for respondents.

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

3. The 78 out of 97 applicants in this O.A. and were all Loco/Traffic Running Staff in Railways/had retired from service between 1.1.1973 and 4.12.1988 on various dates. Remaining 19 applicants are the legal representatives of such staff. The names, date of retirement, designation, age and length of service of all the applicants/deceased are indicated in Annexure A-1 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 this 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.

and
S/ The respondents shall recompute the pension/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 para-5 above and the arrears have to be paid to the applicants/ 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 accordance 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 any costs as this O.A. was filed after pronouncement of the Judgment of the Full Bench.

8. The O.A. is ordered accordingly.

CERTIFIED TO BE TRUE COPY

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Date
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

4/3/94.

1. The Secretary, Ministry of Railways, Union of India, Rail Bhawan, New Delhi.
2. The General Manager, S.C.Rly, Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager, Secunderabad Division(BG), S.C.Railway, Secunderabad.
4. The Divisional Railway Manager, Hyderabad Division(BG), S.C.Rly, Secunderabad.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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Case Number 90-959 P
Date of Judgement 25/2/94
Copy made ready on 7/3/94

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Court Officer (H)