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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 165/94.

Dt. of Decision : 01-03-95.

Syed Yakub

.. Applicant.

Vs

1. The Divisional Railway Manager
(Personnel), SE Rly, Waltair,
Visakhapatnam.
2. Sr. Divisional Accounts Officer,
SE Rly, Waltair, Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr. Syed Sharif Ahmed

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI M. RANGARAJAN : MEMBER (ADMN.)

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O.A.No.165/94.

Date: 1-3-1995.

J U D G M E N T

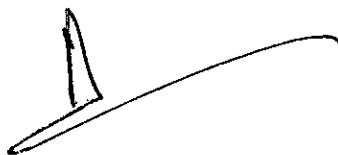
{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri Syed Sharif Ahmed, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicant herein worked as Fitter in Waltair Division of South Eastern Railways. The applicant retired voluntarily on medical grounds on 7.11.1986. He was on leave during the period from 1984 to 7.11.1986 (till the date of his retirement) and the said period was treated as Extraordinary Leave. The applicant had filed OA 432/92 on the file of this Tribunal for a direction to the respondents therein to pay the pensionary benefits based on the pay scales recommended by the IV Pay Commission. That OA was disposed of with a direction to the respondents therein to dispose off the representation of the applicant dt. 7.2.1991. However, the respondents rejected his request for paying him the terminal benefits on the basis of IV Pay Commission pay scales which was implemented from 1.1.1986. Hence, he has filed this OA for a direction to the respondents herein to fix his pension in the revised scales of pay (IV Pay Commission scales) and for a further direction to pay DCRG with interest @ 18% p.a. from the date of accrual till the date of payment.

3. At the time of hearing, it was brought to the notice of the learned counsel for the applicant that if the applicant had worked and received his pay after 1-1-1986 when the pay scales recommended by IV Pay Commission came into existence,

....3/-



(42)

then only pensionary benefits can be fixed on the basis of the pay drawn ^{in or} after 1-1-1986. As the period from 1984 to 7.11.1986 was treated as Extraordinary Leave i.e. leave without pay and as the applicant retired on 7.11.1986 on medical grounds without receiving any salary on the IV Pay Commission scales of pay, he is not entitled for fixation of pensionary benefits on the basis of the pay scales recommended by IV Pay Commission. The above was fairly accepted by the learned counsel for the applicant. Hence, the prayer of the applicant for payment of pensionary benefits on the basis of IV Pay Commission scales of pay does not survive.

4. The second grievance of the applicant is that he was not paid his DCRG. Though in the Counter affidavit, it has been stated that the DCRG amounting to Rs.16,646/- after deducting railway dues, were paid to the applicant and in proof of the same the respondents have also filed a voucher showing the payment of DCRG amount to the applicant (Annexure R-1), the applicant disputed the same. The applicant in his rejoinder further submitted that the DCRG amount, though shown as paid has not been paid to him actually and the voucher under which payment was said to have been made is pertaining to the amount paid to the applicant towards his provident fund dues.

5. The learned counsel for the applicant has also brought to my notice a letter of the respondents dt. 16.9.1992 (page-3 of the material papers enclosed to the rejoinder) to show that the pay order has been sent to Senior Divisional Accounts Officer, Waltair but was not paid to him as claimed by the respondents. In this connection, no adjudication is required. What is required is factual verification of payment of DCRG amount to the applicant. In order to verify

To

1. The Divisional Railway Manager(Personnel),
S.E.Rly, Waltair, Visakhapatnam.
2. The Sr.Divisional Accounts Officer, S.E.Rly,
Waltair, Visakhapatnam.
3. One copy to Mr.Syed Sharif Ahmed, Advocate, 3-6-725
St.No. 11, Himayatnagar, Hyderabad.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.


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the correctness of the statement of the respondents of having paid the DCRG amount to the applicant, it is necessary that R-2 herein should show to the applicant the various paid vouchers which show that the DCRG amount had been actually paid to the applicant. R-2 should also show him the paid voucher of Provident Fund amount which is said to have been paid to him earlier. If the applicant is shown these vouchers, he will be satisfied of having received the amounts due to him as pensionary benefits.

6. In the above circumstances, the following directions are given:-

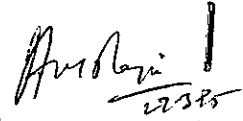
The applicant should meet R-2 on 10.4.1995 in the office of R-2. R-2 should then show the applicant the paid vouchers in respect of DCRG and Provident Fund amounts paid to the applicant as final settlement dues. In case, if it is not possible to hold the meeting on 10.4.1995 due to some reason or other, R-2 should fix a firm next date on which the applicant has to visit the office of R-2 for verification of the vouchers referred to above. In case, the applicant was not paid either the amount of DCRG or the amount of provident fund ~~on both~~ payable to him, R-2 should take immediate action to pay the amount due to the applicant within three months from the date of last meeting.

7. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)

Dated 1st March, 1995.
Dictated in the open court.

Grh.


22385
Deputy Registrar

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

DATED - 1-3-1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. in
165/94
T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

