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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 212/94

DATE OF JUDGMENT: 3.3.94

BETWEEN:

D.Nagabhushanam

.. Applicant.

A N D

1. General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
2. Financial Adviser and Chief
Accounts Officer, S.C.Rly.,
Rail Nilayam, Secunderabad.
3. Senior Divisional Personnel
Officer, S.C.Rly., Vijayawada
Division, Vijayawada.

.. Respondents.

APPEARANCE:

COUNSEL FOR THE APPLICANT(s): .. Mr.M.Lakshmana Murthy
COUNSEL FOR THE RESPONDENTS: ..Mr.D.Francis Paul

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

contd....2

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J U D G M E N T

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

Heard Sri M.Lakshmana Murthy, learned counsel for the applicant and Sri D.F. Poul, Sr.CGSC for respondents.

2. This O.A.has been 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.

3. The applicant in this O.A. had voluntarily retired from service due to medical unfitness on 20.9.1988 as Goods Driver at Vijayawada after putting in a service of 26 years. He was permitted to voluntarily retire from service on 21.9.1988. This O.A. has been filed for the reliefs 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.

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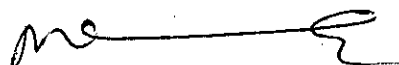
5. The respondents shall recompute the pension and other retirement benefits of the applicant in accordance with Rule 2544 as was in force before it was amended by notification dt. 5.12.1988.

6. The pensionary benefits will be fixed accordingly and the arrears will be paid to the applicant within 4 months from the date of communication of this order. The payment of pension and retirement benefits as per the afore-

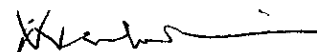
with the orders/directions as may be issued by the Supreme Court in S.L.P.No.10373/90 against the decision of the Ernakulam Bench of the Tribunal in Application No.K-269/88.

7. The applicant is 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 at the admission stage.

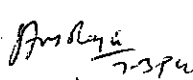


(R.Rangarajan)
Member(Admn.)



(V.Neeladri Rao)
Vice-Chairman

Dated 3rd March, 1994.


Deputy Registrar(J)CC

Grh.

To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Financial Adviser and Chief Accounts Officer, S.C.Rly, Railnilayam, Secunderabad.
3. The Senior Divisional Personnel Officer, S.C.Rly, vijayawada Division, vijayawada.
4. One copy to Mr.M.Lakshmana Murthy, Advocate 'ADITYA' West Malkajgiri, Hanumanpet, Hyd.
5. One copy to Mr.D.Francis Paul, SC for Rlys CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RAGHARAGAN : MEMBER
(ADMN)

Dated: 3-3-1994.

~~ORDER~~ JUDGMENT:

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

in

O.A.No. 212/94.

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions. *st. dismissed*

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Refected/Ordered.

No order as to costs.

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