

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.381 of 1994.

Between

Dated: 19.10.1995.

K.Nageswara Rao.

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Applicant

And

1. General Manager, South Central Railway, Railnilayam, Sec'bad.
2. Senior Divisional Accounts Officer, South Central Railway, Vijayawada Division, Vijayawada.
3. Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.

...

Respondents

Counsel for the Applicant

Counsel for the Respondents

: Sri. G.S.Sanghi, SC for Railways

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

ORDER

As per Hon'ble Shri R. Rangarajan, Member(Admn)

Heard Shri M. Lakshmana Murthy, learned counsel for the applicant and Shri G.S. Sanghi, Standing Counsel for the respondents.

--- The applicant joined the Railways as an APS Mazdoor under IOW, Rajamundry on 10.4.1961 and he worked in that capacity upto 9.7.1975. Thereafter, he was posted as a substitute valveman under PWI, Kaikalur from 10.7.75 to 27.8.78. He worked as a Brick layer

on superannuation. The case of the applicant is that his pension amount has not been fixed correctly taking into account the full service rendered by him as a casual labour (APS Mazdoor) from 10.4.61 to 9.7.75. He further submits that one Sri Subbaramaiah^{who} worked as an ASP Man / Motor Trolly driver/Crane Driver of Vijayawada Division full length period of APS service for calculating the pension and other pensionary benefits. The applicant represented his case to DRM, Vijayawada Division vide his representation dated Nil , a copy of which is enclosed at Page 4 of the material papers to the OA. No reply has been given to his representation. Hence, the applicant has filed this OA praying that his pension as fixed in the Pension Payment ~~advice~~ No.A/PN/BZA/15165 dated 30-10-1991 is not in order and it has to be fixed correctly taking into account the contentions made by him in this application and as a consequence of which, the amount payable towards DCRG and encashment of leave has also to be re-fixed.

3. The respondents have filed the reply statement on 19.1.1995 wherein, they have given the statement showing particulars of qualifying service at Annexure R-1 and the calculation of pension and other pensionary benefits in Annexure-R-II. As per the statement showing the particulars of qualifying service, it is seen that his regular service from 28.8.78 to 31.10.81 i.e. 13 years, 2 months and 3 days has been fully taken into account.

3 years 1 month and 17 days has also been added to the qualifying service. 50% of the APS service amounting to 7 years, one month and 15 days service has been added to the qualifying service, thereby making the net qualifying service as 23 years & 6 months and 5 days, rounded off to 23½ years. The above calculation is in order as per the extant instructions of the Railway Board. The learned counsel for the applicant does not produce any other rule contrary to what is stated above.

4. The main contention of the applicant in this OA appears to be that the full casual service of one Sri Subbaramiah has been taken into account for calculation of pensionary benefits when he retired. However, the above fact, though not included in the OA, the same has the material papers at Page 4. The respondents, in their counter affidavit have clearly stated as follows:



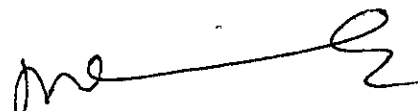
1. General Manager, South Central Railway, Railnilayam, Sec'bad.
2. Senior Divisional Accounts Officer, South Central Railway, Vijayawada Division, Vijayawada.
3. Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
4. One copy to Sri. M.Laxmana Murthy, advocate, CAT, Hyd.
5. One copy to Sri. G.S.Sanghi, SC for Railways, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

"The applicant states that the service rendered as casual labour was reckoned at 100% for the purpose of retirement benefits in the case of Sri Subbaramaiah who worked as APS Man/Motor Trolley Driver of BZA division and subsequently retired as SS/workshop/Lalaguda. Staff have been deputed to verify the ~~However, our efforts have not borne fruit~~ to identify the above said employee of clear-cut particulars with regard to the designation, department and the date of retirement."

In view of this, as the applicant is also not able to provide any particulars regarding Shri Subbaramaiah, the pension and pensionary benefits fixed to Shri Subbaramaiah could not be ascertained. In view of the above, it is not necessary to further examine the issue of fixing of pension and calculation of pensionary benefits for him.


5. In the result, the OA does not merit consideration and hence, it is dismissed. No costs.


(R. RANGARAJAN)
Member (Admn)

Dated: The 19th October, 1995

Dictated in the Open court

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Dy. Reg. S was CS.

conts - 57.

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381/AY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

R. R. Ramesh
JUDICIAL MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓

DATED: 19/10/1995.

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

~~IN~~

O.A.NO.

381/AY

~~T.A.NO.~~

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

No Spare Copy

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Central Administrative Tribunal
DESPATCH
10 NOV 1995
HYDERABAD BENCH