

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A No. 382/94

Dt. of Decision : 31.3.94

M. Raja Rao

.. Applicant

vs

1. The General Manager,  
South Central Railway,  
'Rail Nilayam',  
Secunderabad.
2. Financial Adviser and Chief  
Accounts Officer,  
SC Rly, Rail Nilayam,  
Secunderabad.
3. South Central Railway,  
'Rail Nilayam'. Secunderabad. .. Respondents.

Counsel for the Applicant : Mr. M. Laxmana Murthy

Counsel for the Respondents : Mr. K. Ramulu, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN.)

Date: 31.3.1994.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri M. Laxmana Murthy, learned counsel for the applicant and Sri K.Ramulu, learned Standing Counsel for respondents.

2. This O.A. was filed for a direction to the respondents to correctly fix the pension by taking into account 75% of last pay drawn as per Judgment of Ernakulam Bench of this Tribunal in O.A.No.K-269/88 dt. 20.4.1990 and to pay arrears on the basis of the above calculations.

3. The applicant was Guard 'A' Special and retired from service on superannuation on 31.1.1985 after putting in service of 35 years and 6 months. This OA has been filed for reliefs as mentioned above.

4. The same point came up for consideration before 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 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.

The respondents shall recompute the pension and other retirement benefits of the applicant in accordance with Rule 2544 as was in force

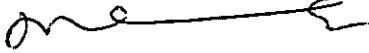
*before it was amended by notification dt. 5.12.1988.*

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

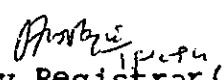
6. The applicant is not entitled to any costs as this OA was filed after the pronouncement of the judgment of the Full Bench.

7. The OA is ordered accordingly at the admission stage.

  
( R.Rangarajan )  
Member(Admn.)

  
( V.Neeladri Rao )  
Vice Chairman

Dated 3 | March, 1994.

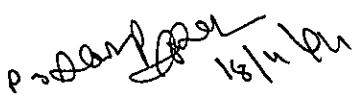
  
Deputy Registrar (J)CC

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 South Central Railway, Railnilayam, Secunderabad.
4. One copy to Mr.M.Laxmana Murthy, Advocate  
Advocates' Association, High Court of A.P.Hyd.
5. One copy to Mr.K.Ramulu, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

  
18/4/1994

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COMPARED BY

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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.A.B.GORTHI : MEMBER(AD)

AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY  
MEMBER(JUDL)

AND

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

Dated: 31-3-1994

ORDER/JUDGMENT

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

in

O.A.No.

382/94

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions *of admission*  
Dismissed. *slp*

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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