

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

O.A. 472/94

Dt. of Decision : 20.4.1994

- |                       |                              |
|-----------------------|------------------------------|
| 1. N. Rajeswara Rao   | 11. C.A. Kanna               |
| 2. G.V. Ramana Rao    | 12. Smt. M. Herft            |
| 3. S. Ananth Lakshmi  | 13. R. Balaiah               |
| 4. A.H. Priya Shasini | 14. C.B. Janardhana Rao      |
| 5. M. Kareem Khan     | 15. Smt. K. Shanta Kumari    |
| 6. V.L. Benjamin      | 16. M.N. Murthy              |
| 7. Smt. Y.D. Vilvaraj | 17. Balaiah                  |
| 8. K. Kataiah         | 18. R. Mallaiah              |
| 10. H. Murphy         | 20. R. Janaki Radha Krishnan |
|                       | 21. Kummaraiah Mallaiah      |

All are the applicants are retired employees  
of running staff in SC Railway, SC/HYB/BZA.

.. Applicants.

Vs

1. Union of India, Rep. by,  
Secretary, Ministry of Railways,  
New Delhi.
2. General Manager,  
South Central Railway,  
Rail Nilayam,  
Secunderabad.
3. Divisional Railway Manager,  
Secunderabad Division (MG),  
South Central Railway,  
Secunderabad.
4. Divisional Railway Manager,  
Hyderabad Division (MG),  
South Central Railway,  
Secunderabad.
5. Divisional Railway Manager,  
Vijayawada Division,  
South Central Railway,  
Vijayawada.

.. Respondents.

Counsel for the Applicants : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. D. Francis Paul, SC for Rly

GORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

Judgement

( As per Hon. Mr. A.B. Gorthi, Member (Administration) )

Heard Sri P. Krishna Reddy, learned counsel for the applicant and Sri D. Francis Paul, learned counsel for respondents.

2. ~~21~~ The ~~21~~ applicants herein are those who retired from the Railways between 1-1-1973 and 4-12-1988. Some of the applicants are the ~~respondents~~

retired during the said period and died in the meantime. Particulars of all the applicants are given in Annexure-1 to this OA. The relief claimed by the applicants is for a direction to the respondents to include 75% of the running allowance as part of salary for the purpose of calculating pensionary and other retirement benefits.

3. Similarly situated several employees approached the Bangalore Bench of the Tribunal. A Full Bench of the ~~Tribunal~~ the file of the Bangalore Bench of the Tribunal held that the computation of the pension should be done in accordance with the statutory rules then in force in respect of those persons who retired between 1-1-1973 and 4-12-1988. As per Rule 2544 of the Indian Railways Estt. Code which was in force and before it was amended by notification dated 5-12-1988, 75% of the Basic Pay was the maximum limit fixed which qualified for pension and other pensionary benefits.

4. In view of the judgement of the Full Bench, this application is also allowed with the following directions:-

1) The respondents shall recompute the pension and other retiral benefits of the applicants or their L.Rs in accordance with Rule 2544 as was in force before it was amended by Notifications dated 5-12-1988.

b.

ii) The arrears due to the applicants/L.Rs. on the basis of the recomputation as aforesaid shall be calculated and paid.

iii) The directions shall be carried out within a period of three months from the date of receipt of the copy of this order.

iv) 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 SLP.No.10373/90 against the decision of the Ernakulam Bench of the Tribunal in Application No.

5. The OA is allowed at the admission stage itself after hearing the learned counsel for both the parties. No order as to costs.

(A.B. Gorthi)  
Member (Admn.)

Dated : April 20, 94  
Dictated in the Open Court

Dy. Registrar

Copy to:-

1. Secretary, Ministry of Railways, Union of India,
2. General Manager, S.C.Railways, Railnilayam, Sec
3. Divisional Railway Manager, Secunderabad Divi  
South Central Railway, Secunderabad.
4. Divisional Railway Manager, Hyderabad D  
Central Railway, Secunderabad.
5. Divisional Railway Manager, Vijayaw  
Central Railway, Vijayawada.
6. One copy to Sri. P.Krishna Reddy
7. One copy to Sri. D.Francis Peel
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

Division (MG), South  
Advocate CAT, Hyd.  
SC for RIs, CAT, Hyd.

New Delhi.  
Secunderabad.  
Division (MG).

O.A. 472/94

TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE

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(ADMIN)

Dated: 20/1/1994

ORDER/JUDGMENT

E.A./R.A./C.A./No.

O.A.No.

in  
472/94

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed *admission stage*

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal  
DESPATCH  
20 MAY 1994  
HYDERABAD BENCH