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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

D.A. 535/94

Dt. of Decision : 29.4.94

1. Smt. V.T.Kusuma Kumari	10. D. Chandramouli
2. Smt. K. Savitri	11. M.A. Razzack
3. Smt. Pushpa Marathe	12. Syed Mustaq Ali
4. N. Soma Sundaram	13. B. Ramuloo
5. Smt. T. Saraswathi	14. J. Ramaswamy
6. E.E. Edwards	15. Smt. Kamala Veni
8. Smt. S. Victor Madison	17. A. Lakshmpathi Rao
9. Mallaiah.R.	

(All the applicants are retired employees of  
running staff in SC Railway, Hyderabad Division &  
Secunderabad Division.)

.. Applicants

Vs

1. Union of India, rep. by its Secretary, Ministry of Railways, New Delhi.	
2. General Manager, South Central Railway, Rail Nilayam, Secunderabad.	
3. Divisional Railway Manager, Secunderabad Division (BG), South Central Railway, Secunderabad.	
4. Divisional Railway Manager, Hyderabad Division, (MG) SC Rly, Secunderabad.	.. Respondents.

Counsel for the Applicants : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. C.V. Malla Reddy,  
SC for Rly.

CORAM:

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

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O.A.535/94

Dt. of order: 29-4-1994.

( Order of the Single Bench delivered by the  
Hon'ble Sri A.B.Gorthi,  
Member (Admn.) )

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Heard learned counsel for both the parties.

2. In this OA the claim of the applicants is for a direction to the respondents to fix the pension, DCRG, payment of encashment of leave, commutation amount etc. by taking into consideration the running allowance not exceeding 75% of basic pay prior to retirement.

3. The applicants are those who were in receipt of running allowance prior to retirement. Some of the applicants herein being the widows of the employees came in as Legal Representatives. Similarly situated employees approached the Bangalore Bench of the Tribunal and the case was heard and decided by Full Bench of the Tribunal, OA No.395/90 and batch cases on the file of Bangalore Bench. It was held therein that the commutation of pension should be done in accordance with statutory rules then in force in respect of those persons who retired between 1-1-73 and 4-12-88. As per Rule 2544 of the Railway Establishment Code which was in force prior to its amendment by notification dt. 5-12-88, 75% of basic pay was the maximum limit fixed which qualified for pension and pensionary benefits.

4. In view of the above decision of the full bench this OA is disposed at the admission stage itself with the following directions.

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(i) The respondents shall recompute the pension and other retirement benefits of the applicants or their Legal representatives in accordance with Rule 2544 as was in force before it was amended by notification dt. 5-12-1988.

(ii) The pensionary benefits will be fixed accordingly as indicated in the above para and the arrears have to be paid to the applicants/representatives within four months from the date of communication of this order. The payment of pension/retirement benefits as per 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.

5. The O.A. is ordered accordingly. No costs.

*A.B. Gorathi*  
( A.B. Gorathi )

Member (A)

Dt. 29-4-1994  
Open Court Dictation

*Amalg. 2nd Ssn.*  
Deputy Registrar(J)CC

To

1. The Secretary, Ministry of Railways,  
Union of India, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Divisional Railway Manager, Secunderabad Division(BG),  
S.C.Rly, Secunderabad.
4. The Divisional Railway Manager, Hyderabad Division(MG)  
S.C.Rly, Secunderabad.
5. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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