

(127)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 1077/94.

DATE OF JUDGMENT: 11-10-95.

BETWEEN:

- | | |
|-------------------------|------------------------------|
| 1. C.B. Nogueiro | 11. Smt. A.P. Naguerio |
| 2. Smt. P. Ram Bai | 12. Sri K.V. Sharma |
| 3. Sri V.K. Dasarathnam | 13. Sri @. Rameshwar Prasad |
| 4. Sri Kothiah Nagiah | 14. Smt. H.P. Razerio |
| 5. Sri P. Veera Swamy | 15. Sri. Tony Rogers |
| 6. Sri W. Narshiah | 16. Sri Narsimha Naresimhulu |
| 7. Smt. Padmavathi | 17. Smt. Kamalamma |
| 8. Sri Rahaman Sherieff | 18. Sri. E. Lourd Swamy |
| 10. Sri M.G. Devanathan | .. Applicants. |

AND

1. Union of India, rep. by its Secretary,
Ministry of Railways, Rail Bhavan, New Delhi.
 2. General Manager, SC Rly, Rail Nilayam, Sec'bad.
 3. Divisional Railway Manager, Sec'bad Division (BG),
SC Rly, Sec'bad.
 4. Divisional Railway Manager, Hyderabad Division (MG),
SCRly, Sec'bad.
- .. Respondents.

COUNSEL FOR THE APPLICANT: SHRI P. Krishna Reddy

COUNSEL FOR THE RESPONDENTS: SHRI Jelli Siddeiah,
St/ Addl. CGSC.

CORAM:

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

O.A.1077/94

Dt.of order:11.10.1995

(Order passed by Hon'ble Shri R. Rangarajan, Member(Admn)

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri Jalli Siddaiah, learned Standing Counsel for the respondents.

2. This OA is filed for a direction to the respondents to include 75% of the running allowance to the salary which they were drawing prior to retirement for the purpose of calculating pension and other retiral benefits and pay the applicants pension and other retiral benefits on the above said basis including arrears.

2. There are 19 applicants in this OA who worked as Loco running and Traffic running staff of Secunderabad and Hyderabad Division of South Central Railway. Some of the applicants herein are also wives of the deceased running staff and hence legal representatives of the deceased. The particulars of the applicant, the length of service, date of retirement, are given in Annexure-I of this OA. This OA is filed for relief as mentioned above.

3. The same point came up for consideration before the Full Bench of this Tribunal in OA 395/90 on the file of Bangalore Bench. 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~~ ^{para} 2544 of IREM which was in force before it was amended by notification dt.5.12.1988, 75% of basic pay was the maximum limit fixed which qualified for pension and other pensionary benefits. In view of the above, the following direction was given by the Full Bench.



The Respondents shall recompute the pension and other retiral benefits of the applicants or their legal representatives in accordance with Rule-2544 as was in force before it was amended by notification dated 5.12.1988.

4. All the applicants herein (some of them are represented by their legal representatives i.e., their wives) have served the Railways in the running side between 1-1-1973 and 14-12-1973. The direction of the Judgement in OA 395/90 squarely applies to them also.

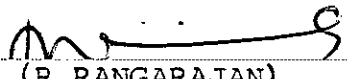
5. The pensionary benefits will have to be fixed accordingly as per direction by the Full Bench indicated in para-3 supra and arrears have to be paid to the applicants/legal representatives. But an SLP No.10373/90 has been filed against the decision of Ernakulam Bench of the Tribunal in application No.K-269/88 wherein the same direction as directed by the Full Bench was given. A similar case was filed in this Bench i.e. OA 23/94. A direction was also given in that OA by this Bench following the decision of the Full Bench in OA 395/90 on the file of the Bangalore Bench. The Apex Court in Civil Petition No.CA 11200/95 has stayed the operation of the Judgement of this Tribunal in OA 23/94. Even the Full Bench had directed that the pension/retiral benefits as per the direction of the Full Bench shall stand regulated/adjusted in accordance with the orders/decisions issued by the Supreme Court in SLP No.10373/90.

6. Now, that the Apex Court has stayed the direction given by this Bench in OA 23/94, the present direction given in this OA as above, will be operative only if the Apex Court dismisses the SLP filed by the Railways. If the SLP is

90
...4...

allowed, the applicants herein will not get any benefit of this order and this OA stands dismissed. If the Apex Court modifies ^{the} order, the same will be applicable to the applicants in this OA also.

7. The OA is ordered accordingly, No order as to costs.


(R. RANGARAJAN)
Member (A)

Dated: 11th October, 1995

Dictated in the open court


Deputy Registrar (J) CC

avl/mvl

- To
1. Union of India, Railbhavan, New Delhi.
 2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
 3. The Divisional Railway Manager Secunderabad Division (EG) S.C.Rly, Secunderabad.
 4. The Divisional Railway Manager, Hyderabad Division (EG) S.C.Rly, Secunderabad.
 5. One copy to Mr. P. Krishna Reddy, Advocate, CAT. Hyd.
 6. One copy to Mr. J. Siddaiah, SC for Rlys, CAT. Hyd.
 7. One spare copy.
 8. One copy to Library, CAT. Hyd.

pvm

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

AND

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

DATED: 11-10-1995

~~ORDER~~ JUDGMENT

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

in

O.A.No.

1077/94

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.

pvm.

