

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.626 of 1994.

Between

Dated: 30.8.1995.

M.Jagannatham

...

Applicant

And

1. General Manager, South Central Railway, Secunderabad.
2. Superintendent, Paintings, South Central Railway, Secunderabad.

... Respondents.

Counsel for the Applicant

: Sri. K.K.Chakravarthy

Counsel for the Respondents

: Sri. J.Siddaiah, SC for Rlys.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:...2/-

O.A.626/94.

Dt. of Decision: 30-08-95.

ORDER

1. As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

In this OA the prayer is for a direction to the respondents to revise the pension of the petitioner from Rs.440/- to Rs. 540/- per month with effect from 01-07-1974 and also pay him the arrears.

2. The applicant while working under the Superintendent, Printings, South Central Railway, Secunderabad was ordered to be retired on superannuation based on a wrong date of birth recorded in his service record. Aggrieved by the same he filed W.P.M.P. 4580/72 wherein the High Court of A.P. granted stay of the order of retirement. Consequently he continued in service beyond 06-07-1972 till 30-06-1974. The W.P. was dismissed for the reason that it had become infructuous. The applicant thus approached the Labour Court, Hyderabad, under section 33(2) of the Industrial Dispute Act 1947 claiming that monetary benefits given to him. After hearing learned counsel for both the parties the Labour Court directed the respondents to pay the applicant the amount due to him within two months from the date of the said order.

3. Relevant portion of the order of the Labour Court in C.M.P. No.317 of 1978 is reproduced below:-

"Under these circumstances I am of the opinion that having extracted the work from 07-07-1972 till 30-06-1974, the Management cannot fall back on describing his services during that period as ineffective service and deprive him of his legal benefits, i.e., the difference of gratuity amounting

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to Rs.2,012/-, difference of pension from 01-07-1974 to 31-07-1978 of Rs. 3,024/- and difference of D.A. on pension of Rs. 1,000/-. Therefore, I am of the opinion that he is entitled in all to a sum of Rs.6,036-00/-."

4. The very fact that the Labour Court directed difference of pension from 01-07-1974 to 31-07-1978, amounting to Rs.3,024/-, to be paid to the applicant, would clearly indicate that the pension of the applicant was to be raised/^{revised} revised. The actual amount of pension to which the applicant became entitled has not been stated in the order of the Labour Court.

5. Learned counsel for the applicant contends that what all ^{is} left to be done is that keeping the order of the Labour Court as the foundation, the respondents are required to re-fix the pension of the applicant. I find substantial merit in the argument advanced by the applicant's counsel. Heard learned counsel for the respondents also. Keeping in view the prayer of the applicant and the facts and circumstances of the case, I find no useful purpose would be served by further adjourning this case merely for the purpose of obtaining ^a his counter affidavit. This OA was admitted as early as 18-07-1994 and despite several opportunities given to the respondents, they did not come up ^{with} the counter affidavit.

6. The judgement of the Labour Court dt. 23rd July 1980 is final and has been complied with by the respondents. In view of this the request of the applicant in the OA has to be allowed by the respondents. The OA is therefore disposed of

with a direction to the respondents to revise the pension of the applicant taking into consideration the order dated 23rd July 1980 of the Labour Court, Hyderabad in CMP.No. 317 of 1978. The said fixation will be proforma but arrears arising from such revision of pension will be admissible to the applicant only with effect from First April 1993, i.e., one year prior to the date of filing this OA.

7. The OA is ordered accordingly. No costs.

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

Dated : The 30th August 1995.
(Dictated in Open Court)

A. B. Gorthi
5885
Deputy Registrar (Judl.)

Copy to:-

1. General Manager, South Central Railway, Secunderabad.
2. ^{SPR} Superintendent, Paintings, South Central Railway, Secunderabad.
3. One copy to Sri. K.K.Chakravarthy, advocate, CAT, Hyd.
4. One copy to Sri. J.Siddaiah, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

OA-626/94

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓

DATED: 30/8/1995.

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

IN

O.A. NO. 626/94

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.

Rsm/-

No Spare (Copy)

