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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A. 927/96.

Dt. of Decision : 8-8-96.

Kamalakar Joseph

.. Applicant.

Vs

1. The Divl. Railway Manager,
SC Rly, (BG)/Sec'bad Division,
Sec'bad.

2. The Sr. Divl. Personnel Officer,
SC Rly, (BG)/Sec'bad Division,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. Ravi Prasad for
Mr. K.L.N.Rao,

Counsel for the Respondents : Mr. V.Rajeswara Rao, SC for Rlys.

CCRAM:

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

..2

[Handwritten signature]

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. Ravi Prasad for Mr.K.L.N.Rao, learned counsel for the applicant: [redacted]

2. The applicant [redacted] while working as Driver Grade-C in the Loco running cadre under R-1 was removed from service after the following the ^{and} Disciplinary/Appeal Rules. He filed a Writ Petition No.423/83 before the High Court of Andhra Pradesh against that punishment which was transferred to this Tribunal on its ^{formation} forum and was renumbered as TA.103/86. That TA was disposed of by order dated 5-2-87. As per that order the punishment of removal from service is to be re-considered and consider the possibility of imposing the punishment of compulsory retirement. Accordingly it is stated that the punishment of the removal from service was converted as compulsory retirement from the date of his termination in the year 1981. The applicant was also paid the pension and pensionary arrears on that basis. However it is now stated that the pension should be fixed on the rate of ^{applicable} ~~available~~ in 1988 when the order ^{of removal} was converted as compulsory retirement and also paying him other pensionary benefits such as DCRG, Leave Encashment and other benefits due to a employee retiring from service. He had submitted ~~representations~~ which are enclosed as Annexure A-2 to A-5. It is stated that those representations were not replied so far.

3. Aggrieved by the above he has filed this application praying for a direction to the respondents to fix his pension in accordance with the revised pension rules and consequently [redacted] pay the arrears of pension till today along with DCRG, Leave Encashment and also to refund the amount of Rs.10,453/- remitted by him by receipt No.338065 of 28-10-88.



4. The pension has to be fixed on the basis of the rules in force on the date of his termination ^{which was} ~~later~~ converted to compulsory retirement in the year 1981. He cannot get the benefit of higher fixation on the rates ^{applicable} ~~available later~~ than that date. No rule or even executive instructions has been produced to show that his pension can be fixed on the rules other than what is enforceable on the date ~~of~~ his compulsory retirement. Hence the ~~question of pay~~ ^{pension} fixation in accordance with the rules as existing in the year 1981 on the date when he was compulsorily ~~retired~~ ^{is} only applicable to him.

5. However, the applicant submits that other pensionary benefits are not paid to him. To get those pensionary benefits he has submitted number of representations. It appears that no reply has been given to him. Hence ~~it~~ is essential that R-1 should examine ~~these~~ representations and give him a speaking order in regard to the various other benefits if any to be granted to him and the reply should be given expeditiously as he is a retired employee for over 15 years.

6. In the result, the following direction is given:-

R-1 should examine the representations, Annexes ~~to~~ to this OA, A-2 to A-5 and give a speaking order to the applicant expeditiously preferably within two months from the date of receipt of a copy of this judgement.

7. The OA is ordered accordingly at the admission stage itself. No costs.

one

(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 8th August 1996.
(Dictated in Open Court)

Dr. Rajinder 17/8/96

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: 4 :

OA.927/96.

Copy to:-

1. The Divl. Railway Manager, S.C.Rly(BG)/Sec'bad Division, Secunderabad.
2. The Sr. Divl. Personnel Officer, S.C.Railway, (BG)/Sec'bad Division, Secunderabad.
3. One copy to Sri. K.L.N.Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

Adv

MA-927/98

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COMPARED BY

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8/8/98

~~ORDER/JUDGEMENT~~
~~O.A. NO./R.A./C.P. No.~~

O.A. NO. ⁱⁿ 927/98

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
~~DISPOSED OF WITH DIRECTIONS~~
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

No spare copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेषण / DESPATCH
22 AUG 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH