

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA NO. 3/97.

OA. SR. 4113/96

dt. 24-12-96

Between

D. Yadagiri

: Applicant

and

1. Union of India, rep. by
Secretary Railway Board
New Delhi

2. General Manager
SC Rly., Railnilayam
Secunderabad

3. Chief Personnel Officer
SC Rly., Railnilayam
Secunderabqd

4. The Chief Works Manager
Lalguda Work Shop
Lalaguda, Secunderabad

: Respondents

Counsel for the applicant

: J.M. Naidu
Advocate

Counsel for the respondents

: J.R. Gopal Rao
SC for Railways

Coram

Hon. Mr. Justice M.G. Chaudhari, VICE Chairman *will*

Hon. Mr. H. Rajendra Prasad, Member (Admn.)

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OASR. 4113/96 i

dt. 24-12-96

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Judgement

Oral order (per Hon. Mr. Justice MG Chaudhari, VC)

✓ Subject to being registered heard Mr. J.M. Naidu for the applicant, ^{and} Mr. Krishna Mohan for Mr. J.R. Gopal Rao, standing counsel for the respondents.

1. The question raised is as to whether the condonation of absence during the strike period already granted as concession applies to pensionary benefits also and whether the applicant who is a retired Railway employee is entitled to have his pensionary benefits revised accordingly.

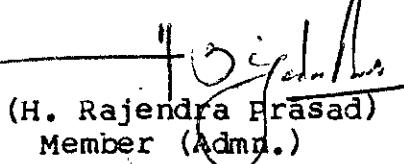
2. From Annexure-8 which are the minutes of the PNM Meeting held between AIRF and the Railway Board on 9-10th February, 1996, we find that at item 28/96 the question of review of cases rejected prior to introduction of Railway Services (Pension) Rules, 1993 in context of condonation of break in service for pensionary benefits was discussed and it was decided that the cases be returned by the Board in the absence of the enabling provision may be referred to the Board again for review. It also records the view of the Federation that ~~power/condone~~ ^{to} break in service for pensionary purposes should vest in the Railway Board and not with DOP & PW, and that it was agreed to examine Rule 107.
Thus the question is squarely under review by the Railway Board. Since it is a matter on which essentially Railway Board should take a policy decision, in the first instance, we think that the applicant has to await the decision of the Railway Board on the point. In that way we treat the

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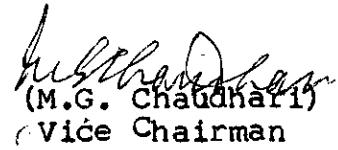
application as premature. It is true that the aforesaid decision was taken on 10-2-1996 and so far no decision has been taken by the Railway Board. However, as the applicant himself is taking shelter under the representation made by the Federation, we have no reason to assume that the Federation will ^{not} pursue the matter with the Railway Board for early decision.

3. In view of the aforesaid circumstances, the OA is disposed of making it clear that it is treated as premature at this stage as final decision of the Railway Board on the ^{has} review is not yet been rendered.

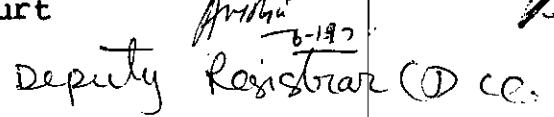
4. Mr. J.R. Gopal Rao shall file a note of appearance on record within one week.


(H. Rajendra Prasad)

Member (Admn.)


(M.G. Chaudhary)
Vice Chairman

Dated : December 24, 96
Dictated in Open Court


Deputy Registrar (D.C.)

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O.A.No.3/97

To

1. The Secretary,
Railway Board, Union of India,
New Delhi.
2. The General Manager,
SC Rly, Railnilayam,
Secunderabad.
3. The Chief Personnel Officer,
SC Rly, Railnilayam, Secunderabad.
4. The Chief Works Manager,
Lalaguda Work Shop, Lalaguda,
Secunderabad.
5. One copy to Mr.J.M.Naidu, Advocate, CAT.Hyd.
6. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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I COURT.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 24-12-1997

ORDER / JUDGMENT

MIA./R.A/C.A. No.

in

O.A.No. 3 | 97

T.A.No. (W.P.)

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.

