

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 735/97

DATE OF ORDER : 16-06-1997.

Between :-

I.Pullaiah

... Applicant

And

1. The Sr.Divisional Personal Officer, SC Rlys, Hubli.
2. Divisional Railway Manager, SC Rlys, Hubli.

... Respondents

--- --- ---

Counsel for the Applicant : Shri M.N.Narasimha Reddy

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

--- --- ---

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

--- --- ---

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

Heard Shri M.N.Narasimha reddy, counsel for the applicant and Shri K.Siva Reddy, standing counsel for the respondents.

2. The facts as incorporated in the OA are as follows :-

The applicant was appointed in Group-D category in Guntakal Division and posted as station porter at Timmanacherla on 20-8-59. It is stated that this date is entered in all the service registers. In 1960 the applicant was transferred to Bellary. Subsequently he was promoted as Clerk in PWI Office, Obulapuram in Guntakal Division. While so, the applicant applied for the post of Probationary Asst. Station Master. Respondent No.1 sent an offer of appointment by his proceedings dt.18-3-64. The applicant submits that his posting as Probationary Asst. Station Master is in continuation of his earlier service. Hence he submits that his earlier service ~~earlier~~ to his joining in the training for the post of Probationary Asst. Station Master should have to be taken into account for counting his service period for the purpose of pensionary benefits. The applicant submits that he has submitted representation while in service itself on 17-3-95 (Annexure-VII page-14 to OA). The applicant had retired on 30-11-95. It is stated that his final settlements were fixed without ~~fixing~~ counting his earlier service earlier to joining as Probationary Asst. Station Master and also erroneously taking his last pay drawn. After retirement also he has submitted representation dt.4-12-95 for correct fixation of the pension. That representation is acknowledged by Respondent No.1 by his

J

D

letter No.H/P 721/PENSION ADALAT/95 dt.15-12-95 (Annexure-I page-7 to OA). It is now submitted that this representation is not yet **been** disposed of.

3. This O.A. is filed praying for a direction to the respondents to revise the pensionary benefits of the applicant by duly taking into count the applicant's initial appointment as 20-8-59 instead of 20-8-64 and also the last pay drawn as Rs.3,300/- instead of Rs.3,125/- and for a consequential direction to re-fix his pension and pensionary benefits on that basis.

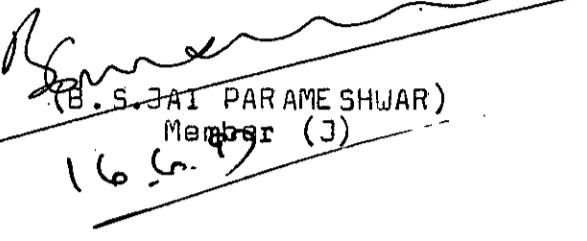
4. If the service of the applicant is continuous from the date of his entering in Group-D in a regular capacity then even though he was posted as Probationary Asst. Station Master, it is necessary to count the previous service in Group-D cadre. However, these points have to be checked from the service records and also his posting as Probationary Asst. Station Master. As the last pay drawn though it is stated, has been erroneously taken as Rs.3,125/- instead of Rs.3,300/-, it is not understood whether that pay was taken for pension or for other pensionary benefits. For fixing pension the average emoluments of last 10 months have to be taken into account. However, it is ¹ point for consideration by the respondents. As the representation is still pending, we are not expressing any opinion except directing respondent No.1 to dispose of the representation of the applicant dt.14-12-95 (Annexure-II, page-8 to OA) within 3 months from the date of

JL D

....4.

receipt of a copy of this order.

5. The O.A. is ordered accordingly at the admission stage itself. No costs.

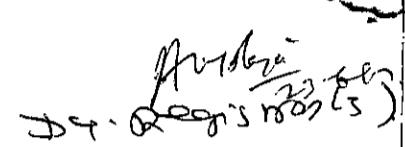

(B. S. JAI PARAMESHWAR)

Member (J)

16 (6.6.)


(R. RANGARAJAN)

Member (A)


DR. R. RANGARAJAN

Dated: 16th June, 1997.

Dictated in Open Court.

av1/

Copy to:-

1. The Sr. Divisional Personal Officer, S.C.Rly, Hubli.
2. Divisional Railway Manager, SC Railways, Hubli.
3. One copy to Sri. M.N.Narasimha Reddy, advocate, CAT, Hyd.
4. One copy to Sri. K.Siva Reddy, SC for Rlys, CAT, Hyd.
5. One copy to Deputy Registrar(A), CAT, Hyd.
6. One spare copy.

Rsm/-

SP/2
10/7/97

6

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED

16/6/97

ORDER/JUDGEMENT

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

CHECKED BY
APPROVED BY

O.A.NO.

735/97 C.E. TRIBUNAL

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR.

II Court.

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

DESPATCH

8 JUL 1997

हृदयवाला न्यायपीठ

HYDERABAD BENCH