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ANIT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.Nos. 492/94 + 979/93

Date of Order: 28-11-96

O.A.No. 492/94

Between:

1. MF. Ansari
2. GK. Murthy

.. Applicants.

and

1. Union of India, rep. by its Secretary, Ministry of Rlys. New Delhi.
 2. Secretary, Railway Board, Rail Mantralay, New Delhi.
 3. General Manager, S.C.Rly., Rail Nilayam, Secunderabad.
 4. Divisional Railway Manager(MG), Hyderabad Division, S.C.Rly., Secunderabad.
- .. Respondents

O.A.No. 979/93

Between:

B. Nagara j

.. Applicant

and

1. Union of India, rep. by the Secretary, Ministry of Rlys., New Delhi.
 2. Secretary, Railway Board, Rail Mantralay, New Delhi.
 3. General Manager, S.C.Rly., Secunderabad.
 4. Divisional Railway Manager(MG/HYD) Secunderabad.
- .. Respondents

Counsel for the Applicants

.. Mr. S. Lakshma Reddy

Counsel for the Respondents :

in O.A. No.492/94

.. Mf. J.P.Gopal Rao

in O.A. No.979/93

.. Mr. N.V.Ramana

CORAM

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

HON'BLE SHRI B.S. JAI PRAMESWAR: MEMBER(JUDE)

C ONT.....

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J U D G E M E N T

(Oral order as per Hon'ble Shri R. Rangarajan, Member(Admn). 15

Heard Mr. S. Lakshma Reddy, learned counsel for the applicants in both the OAs, Mr. Krishna Mohan for Mr. J.R. Gopal Rao, for the respondents in OA 492/94 and Mr. Krishna Mohan for Mr. N.V.Ramana, learned standing counsel for the respondents in OA 979/93.

2. Sri Thyagarajan, C.P.O.(Administration) of S.C.Rly has present in this court on 27.11.96 for assisting the court.

3. The contentions in both the OAs are same so also the reliefs asked for. Hence both the OAs are disposed of by this common judgement.

4. There are two applicants in OA 492/94. Both had retired as Loco Inspectors, S.C.Railway, Hyderabad. A pplicant No.1 retired on 31.5.93 when he was working as Senior Loco Inspector in the grade of 2375-3500. The second applicant in this OA retired on 30.4.93 while working in the same grade as Applicant No.1.

5. The applicant in OA 979/93 retired on 31.3.93 while working in the grade of Rs.2375-3500.

6. The Loco Running Superviosrs cadre consists of Loco Inspectors, Crew Controllers and power controllers. They are appointed to the Supervisory cadre from the feeder category of Drivers. Drivers while working on foot plate earn milage which it is stated is quite considerable. Hence there is a reluctance on/^{the}part of the drivers to come to loco Supervisory Cadre. In order to enthuse the drivers to opt to come for Loco Supervisory cadre incentives were being given from time to time. One of the incentives given has been indicated in Railway Board letter No.E(P&A)II/83/RS-10(iv), dt.25.11.92(P age-1 of OA 492/94). As per this let er this incentive is to come into force w.e.f. 1.1.93. For Loco Inspectors an add-on element of 30% of basic pay is granted w.e.f. 1.1.93, whereas for the Power-Controller/Crew controller a special pay to the extent of Rs 300/- p.m. is granted. The relevant para 5.5, 5. 6 6.1 and 6.2 which are under consideration in this OA are reproduced below for clarity:

5.5 For the purpose of pensionary benefits, the basic pay shall also include, with effect from 1.1.1993, on add-on element of 30% of basic pay in the case of Loco Inspectors. If a Loco Inspector retires before completing a period of 10 months under this scheme, he shall be permitted the benefit of add-on element to basic pay on a pro-rata basis depending on the actual period of service under the scheme. The benefit of add-on element to basic pay shall not be admissible for any purpose other than computation of pensionary benefits.

5.6 No other special allowance sanctioned specifically only for staff in running categories will be admissible unless granted by an express order of Railway Board.

6.1 Power Controller/Crew Controller in both the grades shall be entitled to a Special Pay to the extent of Rs. 300/- per month with effect from 1.1.1993 for the duration they work as such. The benefits envisaged in para 5 admissible to Loco Inspectors shall not be available to Power Controllers/Crew Controllers.

6.2 The Special Pay as indicated supra shall not be reckoned for the purpose of Dearness Allowance, House Rent Allowance, Compensatory (City) Allowance, Pensions and other retirement benefits, etc. as per extent rules.

7. From the above it is evident that the incentive is applicable to them from 1.1.93 and that incentive is to be taken into account for purpose of deciding the amount of pension. It is stated in the relevant paragraphs the add-on element of basic pay as indicated in para supra is to be added on pro-rata basis depending upon the actual service of period for purpose of computation of pension. This would mean that those who retired between 1.1.93 and 31.10.93, the add-on element will be restricted to the number of months they served after getting the incentive as above before retirement. For example if a Loco Inspector retired on 31.3.93, the add-on element of basic pay to the extent of 30% will be given for three months only i.e. the 10 months pay drawn by him prior to 31.3.93 plus the add-in element of 3 months will be added to calculate the pensionary benefits. Thus the running supervisor who retired after 31.10.93 will be given full add-on element and thus they will get more pension compared to the applicants herein. Thus the senior officials are not rewarded whereas a junior officials are rewarded handsomely, submits the learned counsel for the applicant. They further submit that a sort of differentiation has been made in the same harmonious cadre of Loco Running Supervisor which is not warranted. They state that irrespective of the period they served after getting the add-on element between the period 1.1.93 to 31.10.93 the pension should be decided taking the full effect of the add-on element of 10 months. Thereby the differentiation as indicated above can be neutralised.

8. It appears that the applicants have not submitted any representations in regard to their above grievance so far.

9. These two OAs are filed praying for a declaration that clause 5(5) of the impugned instructions or the respondents 1 & 2 contained in proceedings No. E(P&A) 11/83/RS-10(I), dt. 25.11.92 fixing a cut-off date to 1.1.93 and 10 months completed service

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from 1.1.93 for grant of 30% add-on element of basic pay for fixing the pensionary and other retirement benefits as totally arbitrary, discriminatory and violative of Articles 14, 16, 39(1)(d) and 300-A of the Constitution of India and for a consequential direction to the respondents to fix and pay the pensionary and other retirement benefits to the applicant taking 10 months average emoluments as on the date of his retirement after 1.1.93 as Senior Loco Supervisor in the grade of Rs.2375-3500 with all consequential benefits, arrears of pay, interest etc.

10. From the above relief two prayers are discernable. They are (1) the cut-off date of 1.1.93 is arbitrary and has to be set aside (2) the add-on element should not be restricted to ~~xxx~~ pro-rata service during the said period and it should be added fully for 10 months for purpose of deciding the pensionary benefits.

11. The learned counsel for the applicants at the time of hearing fairly submitted that he is not insisting in regard to prayer No.1 as indicated above. He submits that the cut-off date 1.1.93 is reasonable and he does not have any grouse in fixation of that cut-off date. Hence we left with for adjudication only in regard to the second prayer indicated above.

12. We have asked the learned counsel for the respondents to get the reply filed by R-1 and R-2, as the reply filed by R-3 is not sufficient as this is a matter to be decided by the Rly. Board. The learned standing counsel, though did not file a reply on behalf of R-1&2, produced a letter No.Cp 648/OA 492/94 dt 19.11.96 where in it is stated that "as per the pension rules the average emoluments for computing the pension of a retired railway employees shall be the emoluments drawn by a railway servant during the last 10 months of his service. It is in this context the period of 10 months has been prescribed in the above scheme. A person who retired prior to 10 months he had worked ~~x~~ after the scheme had come into ~~xxx~~ effect." For the above submissions the respondents rely on rule 50 of Railway Pension Rules. On that basis the learned standing counsel submit under instructions from his clients who are R-1 & 2 to state that the Pro-rata addition of the add-on element for deciding the quantum of pension is in order. The railway cannot go beyond what is provided for in the rules.

13. We have heard both sides. The Railway Board has formulated a scheme and granted the pro-rata pension on the add-on element for those who retired between 1.1.93 and 31.10.93 solely depending on the rule provision as referred to above. It looks that they havenot given any consideration to the other points. The other points to be noted in this case are :

(1) The loco Supervisory officials retired on or after 31.10.93 would get more pension than the seniors who retired between 1.1.93 and 31.10.93. The seniors who are in the same grade Rs.2375-3500 will get less pension because of the stipulation of adding only the pro.rata pension of the add-on element. There is force in the submission of the applicants that by the above method a differentiation is created between the homogenous set of staff and who are also posted as Loco Supervisor from the same feeder category and who had worked more number of years than the juniors who retired on or after 31.10.93.

(2) The Loco Supervisor cadre is a small cadre. In railway like South Central the number of employees retired in that category during the same period i.e. between 1.1.93 and 31.10.93 will be very limited. Sri Thyagarajan, C.P.O. Administration who was present in the Court on 27.11.96 estimated the retirement during the said period as about 5 or less than 5. On that basis the number of Loco Inspectors who would have retired in the whole of Indian Railways will be of the order of about 50 or less. When that number is so small the expenditure on this account for payment of pensionary benefits without restoring to pro-rata addition of add-on element appears to be meagre. Hence the applicants may be justified in saying that such a meagre amount should not stand in their way in a huge organisation of railways to pay them same extra pensionary benefits to those who had put in long years of service over 30 years and discharged their duties faithfully, diligently and to the full satisfaction of their superiors. There appears to be some reasoning in this contention.

(3) The incentive scheme was designed to attract talented drivers to come to this cadre of loco running Supervisors. Such an incentive scheme should be an encouraging one for the others to come to this field. If a little bit concession is given that will definitely go a long way in providing the necessary incentive to the future entrants to this cadre. Railway is undertaking lot of welfare activities and spending crores of rupees for satisfying the railway employees. An important section of the category like the present applicants in this OA if they get a little bit more advantage will definitely be a welcome relief to the employees especially to those who spend both day and night on the foot plate even at the cost of their health.

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14. Restricting the pensionary benefits to the applicants herein in terms of para 5(5) is decided solely on the basis of the pension rules. But the points as annumerated under para supra appear to have gone out of sight. We are of the opinion that these points also must be taken into account and a decision after considering the above issues should be taken in regard to the restriction of the pension on pro-rata basis on the add-on element.
15. It is stated that if the restriction of pro-rata calculation of the pension on the add-on element is removed it will be contrary to the rule 50 of Railway Pension Rules. But on the circumstances indicated in para 13(1) to 13(3) above it is to be considered by the competent authority whether a departure from the rule is necessary or not. In number of cases when it is necessary the railway makes an one time departure. In view of the position as explained above the departure from the rule as an one time-exception may not be out of place.
16. Sri Thyagarajan, CPO, Administration who was present in the court on 27.11.96 fairly submitted that these points also need consideration. However he expressed his helplessness to consider it at the railway level as a decision has to be taken only by the Railway Board. However he submitted that a reference in this connection will be made to the railway board soon after the receipt of the judgement in these OAs.
17. As the applicants have not represented their case earlier to the respondent authorities we are of the opinion that this is a fit case to remit it back to R-1 and 2 to decide the issue taking note of points mentioned above.
18. In the result, the following direction is given:-
R-1 and R-2 should reconsider the scheme especially the payment of pro-rata pension on the add-on element as provided for in paras 5.5, 5.6, 6.1 and 6.2 in the light of observation made by us as above. Time for compliance is six months from the date of receipt of a copy of this order.
19. When a decision is taken the same should be informed to the applicant in these OAs.
20. Both the OAs are ordered accordingly. No costs.

Certified to be True copy

Sd/-

COURT OFFICER

CENTRAL ADMIN. TRIBUNAL.

HYDERABAD BENCH? HYD' BAD.



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SOUTH CENTRAL RAILWAY

Office of the
Divisional Railway Manager
Personnel Branch, 5th floor
Sanchalan Bhawan, Secunderabad.

No. CP/21/EL/Court Cases

DT: 11-7-97

To

Shri G.K. Murthy
H.No.40-354 Jawahar Nagar
Plot No.54, Moulaali
Hyderabad-500 040

Sub: Payment of Pro-Rata Pension on the add on element
for the Loco Inspectors retired before completion
of 10 months service with effect from 1-1-93.

As per the direction of the Hon'ble CAT/HYB given vide para 18 of the Judgement in the OA No.492/94 and 979/93, a reference has been made to the Railway Board, for reconsideration of the scheme introduced in the Railway Board's letter No.E(PRA) II/83/RS-10(iv) dated 25.11.92. The decision of the Railway Board communicated in their letter D.C.No.P&A/II/97/RSI dated 9.7.97 of the Joint Director (Est) P&A is reproduced below for your information.

"The provision contained in para 5.5. at Board's letter No.E(P&A) II-83 RS-10(iv) dated 25.11.92 regarding reckoning of an add-on element of 30% of basic pay for the purpose of computation of pensionary benefit in the case of Loco Inspectors have been examined in the light of the various observations made by CAT/HYB in para No.s 13(1) 13(3) of the Judgement dated 28.11.96 delivered in OA.No.49294 and 97993.

In terms of Rule 50 of the Railway Service (Pension) Rules 'Average emoluments' shall be determined with reference to the emoluments drawn by a Railway servant during the last ten months of his service' and in terms of rule 49 of the said Rules, the expression 'Emoluments' for the purpose of calculating various retirement and death benefits means the 'Basic Pay' as defined in clause (i) of Rule 1303 of the code which a Railway Servant was receiving immediately before his retirement or on the date of his death and as further provided thereunder.

Departure from the statutory rules has to be based on sound and justifiable reasons. Any such departure from the statutory rules cannot be based solely on the number of cases of the financial implications involved. A junior getting higher pensionary benefits than the senior by virtue of longer stint in the cadre is not a new phenomenon. Such situations are quite possible whenever a new scheme is introduced. The benefits to each category of staff are according to the conditions of service and functions performed by them.

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As there are not any sound or justifiable grounds in the instant case, relaxation of the provisions of Rule 50 of Railway Service (Pension) Rules to allow benefit of Add-on element of 30% of basic pay for 10 months for inspectors instead of pro-rata basis on the actual period of service under the scheme contained in Board's letter dated 25.11.92 *ibid*, is not acceptable."

Please acknowledge receipt.

Sd/-

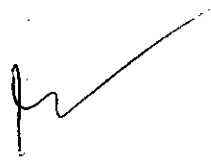
(A.R.SUDHAKARAO)

AFO(M)

For Divisional Railway Manager(P)SC

Copy to CPO/SC for kind information with reference to his DO No.P.500/Mech/TP/Rng.dt.10.7.97.

For Divisional Railway Manager(P)SC



17 Date: 03-02-1997

To

The Chief Personnal Officer
South Central Railway
SECUNDERABAD-300 371.

Respected Sir,

Sub: An 'Add-on element' of 30% of the basic pay
as one time dispensation.

Ref: Railway Board Letter No.E(P&A) 11/83/Rs 10(IV)
dated 25-11-92.

Ref: CA T Judgement in OA 492/94 dated 28-4-96.

With reference to the above, we the undersigned
Senior Loco Inspectors(Retired) beg to lay the following
for your kind consideration and favourable orders.

We the Running Loco Inspectors retired from Railways
in the month of April '93 and May '93 after having served the
Railway for over 39 years.

As a matter of fact we have been working as Loco Inspectors
for over and above ten years but unfortunately we could not
complete 10 months of service under the new scheme.

In this connection we would like to draw your attention
to para No.305 of Railway Board letter cited above in which
it is clearly stated.

"No person shall, however, be posted as power controller
crew controller during the last two years of his service and
during this period, he should be compulsorily posted as Loco
Inspector even by posting Loco Inspectors as Power Controllers
crew controllers. In case this is not arranged, the employee
will have the right to report to DRM/Head of the Department
for posting in Loco Inspector's category. When just one and
a half years of service is left and it would be obligatory
on the competent authority to do so."

It is evident that the administration is very clear
and kind enough in safeguarding the pensionary benefits of
the retired employee.

As such we request your honour to consider our case
and allow 30% add-on element as one time dispensation duly
keeping the C.A.T. Judgement in view.

Thanking you sir,

Yours faithfully,

Sd/-

1. G.K.Murthy
2. M.F.Ansari

Address:
Block No.54, Jawahar Nagar
Moulaali, Hyderabad-40

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

OA NO 1670 OF 97.

Between:

G.K.Murthy

... Applicant

And:

Union of India Rep. by Secretary
Ministry of Railways,
NEW DELHI and 03 Others.

... Respondents

Reply Statement filed on behalf of Respondents.

I K.B.T.Naik S/o K.B.Takrya Naik aged 46 years
Occupation: Government Service, residing at
Secunderabad, do hereby solemnly affirm and state
as follows:-

1. I am working as Deputy Chief Personnel Officer, south Central Railway, under the Administrative Control of Respondent No.3 and I am also dealing with the subject matter of this OA and as such, I am well acquainted with the facts of the case. I am filing this reply statement on behalf of all the Respondents, as I have been authorised to do so. I have read the contents of the OA and I hereby deny the various material averments made therein, save those that are expressly admitted herein. The applicant is put to strict proof of all those averments that are not specifically admitted hereunder.
2. The Respondents submit the brief facts of the the case as under:-
 - (a) The applicant herein earlier filed OA No.492/94 praying this Honourable Tribunal to declare that:

1991. 11. 11
DE. ATTESTOR

Dep. cont d...2

DEPONENT

(1) Clause 5(5) of the Rly. Boards proceedings No.E(P&A) 11-83/RS - 10 (iv) dated 25.11.92 fixing cut-off date as 1-1-93 and 10 months completed service from 1.1.93 for grant of 30% add-on element of basic pay for fixing the pensionary and other retirement benefits as totally arbitrary, discriminatory and violative of constitutional rights, and

(2) For direction to the respondents to fix and pay the pensionary and other retirement benefits to the applicant taking 10 months average emoluments as on date of his retirement after 1-1-93 as Senior Loco Supervisor in Grade Rs.2375-3500 (RSRP)

(b) When the said OA came up for hearing on 28.11.96, the applicants counsel submitted before this Honourable Tribunal that he was not insisting the prayer No (1) above, as the cut-off date 1.1.93 is reasonable and that he has no grouse infixing that cut-off date and the said submission of the applicants counsel was also accepted and recorded by this Honourable Tribunal at para 11 of the Order dated 28.11.96 in OA 492/94.

(c) In regard to the 2nd prayer of the applicant, this Honourable Tribunal was pleased to direct the Respondents 1 & 2 to reconsider the scheme in the light of the observations made by the Hon'ble Tribunal at paras 13, 14 & 15 of their order, dated 28.11.96 and to inform the applicant of the decision taken in this regard.

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ATTESTOR

DEPONENT
Signed

(d) As directed by the Hon'ble Tribunal, the Rly. Board have re-examined the Scheme in the light of the observations made by this Hon'ble Tribunal in their Judgement dated 28.11.96 and communicated their reasoned decision by letter dated 09.7.97, expressing inability to relax the statutory provisions of Rule 50 of the Rly. Service (Pension) Rules. The said decision of the Rly. Board was communicated to the Applicant vide Lr.No.CP/21/EL/ Court cases dated 11.7.97 which is now being challenged by the applicant in the present OA No. 1670/97.

(e) When the present OA 1670/97 came up for admission on 23.12.97, this Hon'ble Tribunal while admitting the OA, was pleased to direct the Respondents to file counter affidavit meeting the various observations and directions contained in the Judgement dated 28.11.96 in OA 492/94 and 439/93, in amplification of the stand taken by the Respondents in their decision dated 9.7.97 and communicated under Lr.Dt. 11.7.97. In view of the above observation of this Hon'ble Tribunal the Railway Board was again approached for their advice in the case to enable the Railway to file a suitable reply justifying the decision taken by the Railway Board. The Railway Board in justification of their said decision have further submitted vide Lr.D.O.No.E(P&A) 11-98/RS II dt. 12.6.98 as under:-

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Deputy Secy

(In)

Secy

Asst. Secy

Asst. Secy

Asst. Secy

DERNENT

ASST. SECY

G.C. RLY. SECY

ATTESTOR

"Pursuant to the directions of CAT/HYB in O.A. Nos. 492/94 and 979/98 the issue of extending the benefit of add on element of 30% of basic pay for ten months instead of pro-rata basis for calculation of pensionary benefits to Loco Inspectors in terms of the Scheme contained in Board's letter No.E(P&A) II-83/RS-10(iv) dated 25.11.1992 was examined by the Board in considerable detail. The provisions of the Railway Services (Pension) Rules-1993 providing that average emoluments shall be determined with reference to the emoluments drawn by the Railway servant during the last ten months of his service are not arbitrary. This position obtains throughout the Central Government including the Railways. Further, the grounds adduced for non-relaxation of the said Rule 50 are very relevant to the issue. The allegation of non-application of mind is also not correct as the issue has been considered in detail by the Board before arriving at the decision not to relax the provisions of the said Rule 50. As regards the contention that Senior in the same cadre is deprived of the right to equal pay and pension, it may be appreciated that the Junior getting higher pensionary benefits than the Senior by virtue of longer stint in the Cadre is not a new Phenomenon on the Railways and such situations may arise whenever a new scheme is introduced and very often the seniors suffer a loss in pension in comparison with Junior who retires at a later stage. This, however, does not justify relaxation

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ASST. PERS.
G. C. BLY. S. C. BLY.

ATTESTOR

DEPARTMENT
Secunderabad

of the statutory provisions as such relaxation is likely to have its repercussions throughout the Central Government.


It may further be appreciated that in real terms the ex-employee is not financially at a loss. If a comparison of Shri. Murthy is made with his seniors who retired prior to him before 1.1.93, he is in a more advantageous position as prior to 1.1.93, the benefit of add on element of 30% of basic pay on pro-rata basis for calculation of pensionary benefits was not admissible to Loco Inspectors. Therefore by virtue of having retired as a later date than his seniors, Shri Murthy has benefited in the matter of pensionary benefits.


As advised earlier also, departure from the statutory rules has to be based on sound and justifiable reasons. In view of the position explained above, Board have not found the instant case fit to relax the provisions of Rule 50 of the Railway Services (Pension) Rules-1993 in respect of Loco Inspectors who retired before completing 10 months of service in the revised scheme introduced vide Board's above letter dated 25.11.1992".

3. The Respondents further submit in reply to the various averments in the OA para by para as under:-

Para - 6.1

It is true that the applicant earlier had filed OA No. 492/94 before this Hon'ble Tribunal praying to declare clause 5(5) of the impugned


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ASST. PERS.
B.C. HLY. SECUNDERABAD
ATTESTOR

DEPARTMENT
Secunderabad

instructions of the respondents 1 & 2 contained in the proceedings No.E(P&A) II/83/RS-10 (iv) dt. 25.11.1992 as arbitrary, illegal etc.

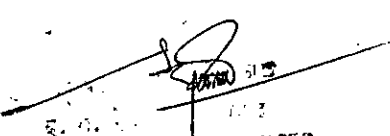
The said OA was disposed of by this Hon'ble Tribunal with a direction that R1 and R2 should consider the scheme especially the payment of prorata pension on the add on element as provided for in para 5.5, 5.6, 6.1 and 6.2 in the light of the Tribunals observations.

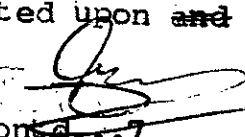
Para 6.2.

Accordingly, the Railway Board have reconsidered the case of the applicant carefully and disposed of his representation rejecting the relaxation plea as there are no sound or justifiable grounds. The allegation that the Respondent has not applied his mind is denied. While reconsidering the scheme, the respondent has examined not only the financial implications but also other adversities in relaxing the Pension Rule No.50.

Para 6.3

It is not correct on the part of the applicant to aver that the observations made by this Hon'ble Tribunal were brushed aside by the Respondents and that the applicant can re-agitate the same grievance in this OA i.e. for striking down the provision of reckoning 10 month service for pensionary benefits on pro-rata basis for those who retired before 31.10.1993, which was earlier not insisted upon and


ASST. PRESIDING OFFICER
B. C. HLY. SEC. OFF. RAJAS
ATTORNEY


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Dependent
DEPONENT
Secunderabad

and accepted as reasonable by the applicants counsel and recorded, by the Hon'ble Tribunal. Doctrine of constructive res Judicata squarely applies in this case.

Pafa 6.4

The applicant cannot invoke the same grounds urged in the earlier OA NO.492/94 which was heard and disposed of on 28.11.96.

Further, as regards the contention of the applicant that the senior in the same cadre was deprived of the right to equal pay and pension, it may be appreciated that the Junior getting higher pensionary benefits than the senior by virtue of longer stint in the cadre is not a new Phenomenon on the Railways and such situations may arise whenever a new scheme is introduced and very often the seniors suffer a loss in pension in comparison with Junior who retires at a later stage. This, however, does not justify relaxation of the statutory provisions as such relaxation is likely to have its repercussions throughout the Central Government.

It may further be appreciated that in real terms the ex-employee, the applicant herein is not financially at a loss. If a comparison of the applicant is made with his seniors who retired prior to him before 1.1.93, he is in a more advantageous position as prior to 1.1.93, the benefit of add on element of 30% of basic pay on pro-rate basis for calculation of pensionary

ASST. PERSONNEL OFFICER
G. C. RLY. SECUNDERABAD

ATTESTOR

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Dep. Secy. (Personnel)

Secy. (Personnel)

DEPARTMENT

In the Central Administrative
Tribunal, Hyderabad
O.A. No. 1670 of 1997

Reply filed on behalf of
Respondent

Filed by: D. Francis Paul
SC for Reply

- 1) Return of appearance filed
- 2) copy sent to the other side
[Signature]



Address:

D. F. PAUL
SC for Reply

Seamlessly

may be filed
[Signature]
16/7/98