

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

\*\*\*

Date of Decision: 19/11/2001

OA 2/99

Tota Ram s/o Shri Chunny r/o Village Saloda, Post Mahakala, Distt. Sawai Madhopur, last employed as Shunting Jamadar, Western Railway, Kota Division.

... Applicant

v/s

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (E), Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... None

For the Respondents ... Mr.R.G.Gupta

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

Applicant, Tota Ram, retired on superannuation on 31.5.91 and has been paid his settlement dues. He has filed this application claiming that at the time of his retirement he was working as Shunting Jamadar in scale Rs.1200-1800 but his settlement dues have been paid on the basis of his working in the pay scale of Rs.950-1500. His prayer is that the respondents be directed to issue revised Pension Payment Order treating him as having retired in the scale of Rs.1200-1800 as Shunting Jamadar.



2. The respondents have opposed this application emphasising that the applicant was paid his settlement dues correctly as he never worked as Shunting Jamadar and on the date of his retirement he was only working as Points Jamadar.

3. We find that the applicant has not placed any document on record to establish his claim that he had ever been promoted as Shunting Jamadar. The posts are held after proper promotion orders are issued. No such documents has been placed on record or shown to us. The applicant only has filed a document at Ann.A/1, which he claims to be the cause title of copy of the Transferred Application. We have seen this document and we find this cause title of a case in Munsif Court, Sawai Madhopur. The Tribunal's order, as referred to by the applicant, has been rendered in TA 378/92 on 16.9.93. We have seen the order passed by the Tribunal, wherein it has been stated that most of the persons have retired and the remaining persons are continuing on the post and they have not been reverted under the orders of the Court and now there is no intention to revert the persons after 12 years. It only means that the applicants could not have been reverted from the posts they held. If the applicant before us did not hold the post of Shunting Jamadar, he could have no claim on the basis of the order of the Tribunal dated 16.9.93, to be treated as Shunting Jamadar. Status quo was required to be maintained, which meant the post actually held by the applicants. It is clear from the records in the OA and the reply that the applicant was only a Points Jamadar at the time of his retirement. So, there is no infirmity in his settlement dues having been

A handwritten signature, possibly 'S', is located at the bottom of the page.

worked out on the said basis i.e. his having retired from the post of Points Jamadar only. The applicant has failed to make out any case in his favour at all.

4. This OA is, therefore, dismissed with no order as to costs.



(A.F.NAGRATH)

MEMBER (A)



(S.K.AGARWAL)

MEMBER (J)