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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR
BENCH: JAIPUR.

O.A.No.485/1996

Date of order: 16.10.1996

M.P.Pachori : Applicant

Versus

1. Union of India through General
Manager, Western Railway,
Churchgate, Bombay.

2. Divisional Railway Manager(E)
Western Railway, Ajmer Division,
Ajmer.

3. Divisional Railway Manager(E)
Western Railway, Jaipur Division,
Jaipur.

: Respondents

Mr. Veenit Pareek, proxy counsel for
Mr. Shiv Kumar, counsel for the applicant

Mr. Asgar Khan, proxy-counsel for
Mr. M. Rafiq, counsel for respondents 1 & 2

Mr. Manish Bhandari, counsel for respondent No.3

CORAM:

HON'BLE SHRI PATAK PRAKASH, MEMBER(JUDICIAL)

O R D E R

PER HON'BLE SHRI PATAK PRAKASH: MEMBER(JUDICIAL)

The applicant Shri M.P.Pachori has filed this application under Section 19 of the Administrative Tribunals Act, 1985, to direct the respondents to pay him arrears w.e.f. 22.12.1981 to 31.7.1986 on account of Advance/Special increment and refix the pay of the applicant ~~and~~ further revise/refix of his pension after giving him one advance/special increment w.e.f. 1.6.1974. The applicant has also claimed the interest on delayed payment on arrears of pay and pension after six months of the judgment dated 25.1.1993 in T.A.No.53/92, Western Railway Teachers Association Vs. Union of India and others.

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2. Facts relevant for disposal of this original application are that the applicant was appointed on the post of Teacher Gr.II at Bandikui Railway Secondary School in July, 1952. He ultimately retired from the post of Principal, Railway Higher Secondary School, Abu Road on 31.7.1986. It is the case of the applicant that Western Railway Teachers Association has filed a T.A.No.53/92 before this Tribunal for advance increment in the light of letter dated 26.11.1976. This was allowed vide judgment of the Tribunal dated 25.1.1993 (Annexure A-1). However, the judgment was not implemented and the applicant filed a contempt petition No.18/94 titled Western Railway Teachers Association Vs. Shri S.B.Mathur. During the pendency of the contempt petition, the Railway Board issued a letter dated 16.8.1994 to grant a special increment w.e.f. 1.6.1974. In this letter the name of the applicant appears at serial No.15 (Annexure A-2). The contempt petition was disposed of vide order dated 23.11.1994 (Annexure A-3) on the submissions made by the learned counsel for the respondents that the order has been complied with and most of the persons have received the payment but some persons have not approached so far and that, to the remaining ones the intimation are being given. Accordingly a liberty was given to any-one to seek remedy if he has not been provided the benefits. The applicant made a number of representations to the respondents and one of his representation dated 4.3.1995 was replied to by the respondents vide



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letter dated 21.4.1995 (Annexure A-5). The applicant has, therefore, claimed that since he has not been given arrear of payment w.e.f. 22.12.1981 to 31.7.1986, nor ~~is~~ fixation has been done, nor pension has been revised, he may be accorded the same reliefs. Hence, he has been constrained to file this original application.

3. ~~That~~ ^{have} The respondents ^{have} opposed this application by filing a written reply to which the applicant has not filed any rejoinder. It has been averred by the respondents that in pursuance of the order of the Tribunal dated 25.1.1993 the payment for grant of advance increment w.e.f. 1.6.74 to 21.12.1981 has been made to the applicant by order dated 16.8.1994 (Annx.A-2) as the applicant was working in Class-III service. Further also from 22.12.1981 to 31.7.1986, the applicant was promoted in Class-II (Group 'E') service, the period w.e.f. 22.12.1981 to 31.7.1986 has been vetted by the Accounts Branch and that the arrear of payment for that period is being paid to the applicant by order dated 10.1.1996. It has also been averred that the pension of the applicant has also been revised as Rs.1671/- plus D.A. w.e.f. 1.8.1986 and the amount of commutation Rs.3138/- and Rs. 3300/- as DCRG are being paid shortly. In view of these submissions, it has been urged that the applicant having been received all the payments, this OA has become infructuous.

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4. I have given anxious thought to the pleadings of the parties and have also considered the material on record. The respondents have given their version of payment of arrears and fixation and revision of pension of the applicant as early as by filing their written reply on 10.6.1996. A copy of this reply was also supplied to the learned counsel for the applicant, but the applicant has not controverted the version given by the respondents in their reply by filing any rejoinder. In view of this, since the written reply filed on behalf of the respondents has been submitted by the Senior Divisional Personnel Officer, Western Railway, Ajmer, it is presumed that the applicant has not only been paid the arrears for the period from 1.6.1974 to 21.12.1981 but has also ^{been} paid the further arrears for the period between 22.12.1981 to 31.7.1986 by the order dated 10.1.1996 (a copy of which has not been filed by the respondents with this reply). Further the applicant's pension has also been revised and he has been paid the amount of commuted pension and D.C.R.G. as stated above. In view of this, the application filed by the applicant has become infructuous and the same is disposed of accordingly. In case the applicant still feels aggrieved by any order of the respondents, he will be at liberty to approach the competent authority of the forum. The request for interest made on behalf of the applicant is dis-allowed. ~~With~~ ² No order as to costs.



(RATAN PRAKASH)
MEMBER (JUDICIAL)