

OA No.406/1998

Date of order:08.12.1998

Chauth Mal Sharma S/o Shri Chhitarmal, retired Stock Verifier under  
SAO (W&S), Sabarmati now residing at 2223, Phoolaganj, Nasirabad,  
Ajmer District.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway,  
Churchgate, Mumbai.
2. The F.A. & C.A.O. Western Railway, Churchgate, Mumbai.
3. S.A.O.(W&S), Western Railway, Sabarmati, Gujrat.
4. Secretary, Railway Board, Rail Bhawan, New Delhi.

.. Respondents

Mr. S.R.Chaurasia, counsel for the applicant

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CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. Ratan Prakash, Judicial Member

Heard the learned counsel for the applicant.

2. Facts relevant for disposal of this application at this stage in brief are that the applicant was initially appointed in the respondent Railways as L.D.C. on 27.1.1956; passed Appendix II-A Examination in September, 1976, passed Appendix- IV(A) Examination during 1991-92 and thereafter was allowed 3 additional increments in the pay scale of Rs. 1400-2600 w.e.f. 26.5.1992. He retired from service w.e.f. 30.6.1992.

3. It is the grievance of the applicant that though after passing the Appendix- IV(A) Examination the advance increments paid to him were treated as part of the pay and accordingly he was paid all his retiral dues including gratuity, pension and commutation; yet the

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respondents under the garb of Railway Board's letter dated 8.5.96 (Ann.A2) are bent upon to deduct the alleged over-payment by treating the payment made to him as not a part of the pay.

4. He made representation to the respondents on 12.3.1998 which has been replied vide the respondents' letter dated 22.4.98 (Ann.A1) informing him that the matter is pending consideration before the Railway Board and that a last reminder letter has been sent to them by the respondents on 31.3.98. He also sent a notice for demand of justice to the respondents on 21.7.98 (Ann.A4) which has also not been responded to by the respondent Railways. He accordingly sought directions to pay increased dues towards wages and retiral dues consequent to order dated 23.1.96 (Ann.A3) and also declare the Railway Boards letter dated 8.5.96 (Ann.A2) as illegal, wrongful and void with a further prayer to restrain the respondents from reducing the pension and other retiral benefits of the applicant.

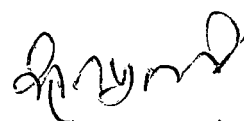
5. I heard the learned counsel for the applicant.

6. The learned counsel for the applicant at this stage does not specifically press relief No. (b) so far as it relates to declaring the Railway Board's letter dated 8.5.96 as illegal, wrongful and void. The applicant has stated on oath that he has retired on 30.6.92 and that he has been paid the advance increments as part of the pay consequent upon his passing the Appendix-IV (A) Examination. Since the applicant's representation made on 12.3.98 which has also been followed by a notice for demand of justice dated 21.7.98 has not been responded to by the respondent Railways, it would be in the fitness of things that as the applicant has ~~been~~ retired as along as in 1992, a suitable direct<sup>ion</sup> be given to the respondents to dispose of the representation and notice for demand of justice expeditiously.



7. Accordingly, the respondents are directed to dispose of the representation made by the applicant on 12.3.98 as also the notice for demand of justice dated 21.7.98 (Ann.A4) within a period of four months from the date of receipt of a copy of this order by a detailed and speaking order. The respondents are further directed that in case they take a decision to make any recovery from the applicant, they shall give a due notice to the applicant. A copy of the OA alongwith the documents annexed therein be also supplied to the respondents for needful, as directed above.

8. The OA stands disposed of accordingly at the stage of admission. No order as to costs.



(Ratan Prakash)

Judicial Member