

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 01.12.2004

ORIGINAL APPLICATION NO. 491/2003

A.K. Verma son of Shri Hari Singh Verma, aged about 65 years, resident of 135, Adarsh Nagar, Ajmer. Last employed on the post of Senior Project Manager, Ajmer Loco, Workshop, Ajmer.

....Applicant

VERSUS

1. Union of India through General Manager, Northern Western Railway, Church Gate, Mumbai.
2. Chief Works Manager, Loco Workshop, Northern Western Railway, Ajmer.

.....Respondents

Mr. Shiv Kumar, Counsel for the applicant,
Mr. Dinesh Sharma, Proxy counsel for
Mr. S.P. Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

Applicant has filed this Original Application thereby, inter-alia, praying for the following reliefs:-

(i) That the respondents may be directed to release the amount of Rs.10601/- and they may be further directed to pay the interest on the amount of DCRG Rs.10601/-. Further the respondents may be directed to revise the pension of the applicant on the basis of his last pay drawn i.e. Rs.4375/- and on the basis of average emoluments drawn by the applicant during last 10 months i.e. prior to retirement further they may be directed to pay the arrear and interest on account of revision of pension.

(ii) Any other order/direction/relief's may be passed in favour of applicant which may be deemed fit, just and proper under the facts and circumstances of this case.


(iii) That the cost of this application may be awarded.


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2. When the matter was taken up for admission on 22.10.2003, on the basis of the statement made by the learned counsel for the applicant that he will confine his prayer only regarding revision of the pension and he is not pressing the claim a sum of Rs.10,601/-, which has been recovered from DCRG, notices were issued to the respondents. Respondents have filed the reply. In the reply, the respondents have stated that the applicant is not entitled to pension on the basis of last pay drawn i.e. 4375/-, as according to the respondents, the applicant was drawing basic pay of Rs.4250/- per month and, therefore, emoluments of the last ten months were calculated as Rs.4250/-. For that purpose, the respondents have annexed copy of order dated 30.11.1999 (Annexure R/2) and letter dated 26.4.1996 (Annexure R/3).

3. We have heard the learned counsel for the applicant. The learned counsel for the applicant submits that pay fixation of the applicant done vide order dated 26.4.1996 (Annexure R/3) whereby his pay w.e.f. 01.02.1996 was re-fixed from Rs.4375/- to Rs.4250/- was quashed by this Tribunal in its order dated 29.09.1999 passed in OA No. 248/1997 (Annexure A/5) and no fresh re-fixation has been done by the respondents and as such, the same cannot form basis for denying the benefit to the applicant. The contention raised by the learned counsel for the applicant cannot be accepted as pursuant to the order passed by this Tribunal in OA No.248/97 dated 29.09.1999, the respondents have passed fresh order dated 30.11.1999 (Annexure R/2) thereby reiterating that re-fixation of the applicant as done vide order dated 26.04.1996 is correct.

4. In view of what has been stated above, the applicant is not entitled to any relief, more particularly, when validity of the order dated 30.11.1999 (Annexure R/2) has not been challenged. Thus, this Tribunal cannot go into the correctness or otherwise of the order dated 30.11.1999. Accordingly, this OA is dismissed with no order as to costs.


(A.K. BHANDARI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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