

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 110 of 2005

Jabalpur, this the 8th day of February, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Madhukar Shrinivas Deshpandey,
Son of Shrinivas Vishnu Deshpandey,
Aged about 72 years, resident of 236,
Prabhat Bhawan, Kachhiyana Mohalla,
Jabalpur, MP.

.... Applicant

(By Advocate – Shri Ashish Rawat)

V e r s u s

1. Union of India, through Secretary,
Department of Railways, New Delhi.
2. Additional Secretary (Pension),
Ministry of Pension and Pensioners Welfare,
Gol Lok Nayak Bhawan, Khan Market,
New Delhi.
3. Divisional Railway Manager,
Central Railway, Jabalpur, MP. Respondents

O R D E R (Oral)

By M. P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 that, for issuance of direction/order for re-fixation of gratuity amount payable on attaining the age of superannuation on retirement prior to 1.1.1996 under Rule 50(5) of CCS Pension Rules Read with Rule 33 of CCS Pension Rules after the amendment of the said Rules from 1.1.1996,

8.2 further to direct the respondents to make the payments of arrears of difference of gratuity amount with retrospective


alongwith interest at the rate of 12% per annum on the due arrears of the gratuity amount,

8.3 further to follow the verdict of Full Bench Decision in Shri Baboorao Shanker Dhun and others Versus Union of India and others – 2001(3) ATJ 436, P.K. Shetty Versus Union of India decided on 30.10.2003 and to grant the similar benefit for the purpose of computation of the death cum retirement gratuity by recomputing the same by merger of the DA in pay.”

2. The brief facts of the case are that the applicant was working with the respondents Railways and has retired from service on 31st July, 1992. The last pay drawn by him on the date of retirement was Rs. 2,360/-. The grievance of the applicant is that the respondents have not treated the dearness allowance which was being granted to him at the time of retirement as dearness pay for the purpose of grant of gratuity. In this regard he has submitted a representation to the respondents Railways on 25th July, 2003 which is still pending. Hence, he has filed this Original Application.

3. Heard the learned counsel for the applicant and he has submitted that the applicant will be satisfied if the Original Application is decided at the admission stage itself by directing the respondents to consider his representation dated 25th July, 2003 (Annexure A-4) within a time frame manner.

4. Accordingly, we direct the respondents to consider the said representation of the applicant dated 25th July, 2003 and also treat this Original Application as a part of the representation and take decision by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of a copy of this order. The learned counsel for the applicant is also directed to send a copy of this order as well as the copy of the petition to the respondents immediately.



5. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

“SA”

पृष्ठांकन सं ओ/न्या.....जयलपुर, दि.....

पत्तिलिपि आगे दिया:-

- (1) मुख्य, जयलपुर, जयलपुर, जयलपुर
- (2) आगेको कोउसल
- (3)को कोउसल
- (4)को कोउसल

सचिव एवं आवेदक

उप सचिव

Shri. Ashish Rawal H.C JBN

Issued
On 11-2-05
BS