

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 111 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

1. Shri P.N. Tiwari, S/o. K.P. Tiwari, age 71 years, resident of 16, Paras Colony, Chherital, Jabalpur.
2. N.P. Shukla, S/o. B.L. Shukla, age 74 years, r/o. 1658, Saraswati Colony, Chherital, Jabalpur, MP
3. R.B. Shrivastava, S/o. R.S. Shrivastava, aged 74 years, R/o. 1564, Saraswati Colony, Chherital, Jabalpur.
4. R.D. Gupta, S/o. H.L. Gupta, aged 73 Years, R/o. 1691, Saraswati Colony, Chherital, Jabalpur, MP. Applicants

(By Advocate – Shri Ashish Rawat)

V e r s u s

1. Union of India, through Secretary, Ministry of Personnel Public, Grievances and Pension, New Delhi.
2. Union of India, through Secretary, Railway Board, New Delhi.
3. Divisional Railway Manager (West), Central Railway, Jabalpur M.P. Respondents

O R D E R (Oral)

By M. P. Singh, Vice Chairman –

By filing this Original Application the applicants have claimed the following main reliefs :

"8.1 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."

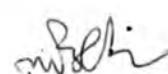
2. The brief facts of the case are that the applicants are retired Government employees and by filing this application they have sought direction to the respondents to treat the dearness allowance which was being granted to them at the time of retirement as dearness pay for the purpose of grant of gratuity. Since, the respondents have not treated the dearness allowance granted to them as dearness pay for the purpose of computing the amount of gratuity, they have filed this Original Application.

3. Heard the learned counsel for the applicants and he has submitted that the applicants will be satisfied if the Original Application is decided at the admission stage itself by directing the respondents to consider their representations which they will be filing within a period of ten days. Accordingly, we direct the applicants to file representations within 10 days from the date of receipt of a copy of this order and if they complies with this, the respondents are directed to consider the said representations and also treat this Original Application as a part of the representations and take decision by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of such representations. The

learned counsel for the applicants is also directed to send a copy of this order as well as the copy of the petition to the respondents immediately.

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

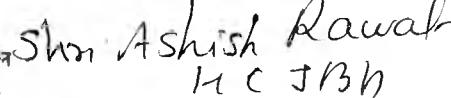

(Madan Mohan)
 Judicial Member


(M.P. Singh)
 Vice Chairman

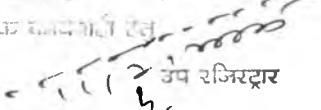
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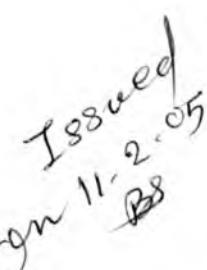
पूर्णांकन सं. ओ/न्या..... जबलपुर, दि.....
 यतिरिक्त दाखिला -

- (1) सचिव, उच्च व्यापार विभाग विभाग, जबलपुर
- (2) आकाशवाहन विभाग, जबलपुर
- (3) पर्यावरण विभाग, जबलपुर
- (4) लोक सेवा विभाग, जबलपुर


 Shri Ashish Rawat
 H C J B h

सूचना एवं आकाशवाहन विभाग द्वारा दिलाई गई है।


 उप रजिस्ट्रार


 Issued
 On 11/2/05