

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1057 of 2004

Indore this the ^{18th} day of October 2005

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

P.S. Thakur, S/o. late Shri Parmanand
Thakur, aged about 80 years, Retired T.I.,
R/o. Near Jain High School, Opposite
Panchayat Office, Bindravan Bagh Ward,
Gopal Ganj, Sagar (MP).

.... Applicant

(By Advocate – Shri S.K. Nagpal)

V e r s u s

1. Union of India, through : the
General Manager, West Central Railway,
Churchgate, Mumbai.
2. Divisional Railway Manager,
Ratlam.
3. Divisional Accounts Officer,
West Central Railway, Ratlam.
4. Manager, State Bank of India,
Civil Lines, Sagar.

.... Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Judicial Member –

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

"(i) direct the respondents to produce all relevant documents/records with regard to pension/gratuity and other retrieval benefits admissible to the applicant and actually paid to him as per Govt. order,



(ii) direct that the revised PPO with regard to pension/gratuity and family pension admissible to the applicant as per Govt. order based on the recommendations of Fifth Pay Commission be issued by the Railway authorities within one month,

(iii) direct that the balance amount due on account of pension/gratuity to the applicant be paid to him within three months with interest @ 18% of per annum thereon.”

2. The brief facts of the case are that the applicant retired from the post of Traffic Inspector on 31.5.1985 and on retirement vide PPO dated 24.5.1985 his pension was fixed at the rate of Rs. 565/- . The said pension order was made effective from 1.6.1985. The pension of the applicant was revised and the revised PPO dated 2.9.1986 was issued in which the basic pension was raised and fixed as Rs. 893/- and additional pension of Rs. 63 and personal pension of Rs. 98. Further in accordance with the order dated 16.4.1987 the pension of the applicant was again revised and calculated at the rate of 50% of average emoluments in place of slab formula and revised PPO dated 23.3.1994 was issued and the original pension of Rs. 893/- was revised and fixed at Rs. 960/- . The additional pension to be added was Rs. 67 and 98/- as personal pension. The applicant has not been paid the correct amount of pension/gratuity as admissible to him under the orders of the Government of India. The applicant has submitted representations dated 31.7.2003, 8.12.2003 and 13.7.2004 (Annexure A-1 to Annexure A-3) to the Senior Divisional Accounts Officer, Western Railway, Ratlam, but no positive steps have yet been taken by them. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties.

4. It is argued on behalf of the respondents that the pension of the applicant has been revised as per Vth Pay Commission w.e.f. 1.1.1996 and the benefits are granted to him. It includes Revised Pension of Rs. 3,591/-, Commutation Rs. 297/- and total pension after commutation Rs. 3,294/- . The pension after restoration of commuted value from 1.6.2000 Rs. 3,591/- and revised family pension Rs. 1,950/- . The revised PPO to



that effect has been issued by the FA & CAO, Western Railway, Mumbai on 29.8.2005. The copy of the revised PPO has also been sent to the applicant. In view of the above revised pension as per the Vth Pay Commission, this Original Application has become infructuous, as the reliefs claimed by the applicant have already been granted to him.

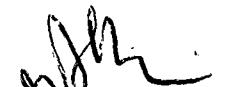
5. The learned counsel for the applicant argued that he has also grievance before 1.1.1996 which has not yet been decided by the respondents.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records we find that the applicant has sought reliefs, (i) direct the respondents to produce all relevant documents/records with regard to pension/gratuity and other retrial benefits admissible to the applicant and actually paid to him as per Govt. order. (ii) direct that the revised PPO with regard to pension/gratuity and family pension admissible to the applicant as per Govt. order based on the recommendations of Fifth Pay Commission be issued by the Railway authorities within one month and (iii) direct that the balance amount due on account of pension/gratuity to the applicant be paid to him within three months with interest @ 18% of per annum thereon. The applicant has not claimed any relief before 1.1.1996. We have perused the parawise reply filed on behalf of the respondents and also perused the revised PPO. The respondents have considered the aforesaid reliefs of the applicant with regard to revision of pension as per the recommendation of the Vth Pay Commission with effect from 1.1.1996.

7. Considering all the facts and circumstances of the case, we are of the considered view that this Original Application has become infructuous and is liable to be dismissed. Accordingly the Original Application is dismissed as infructuous. No costs.


 (Madan Mohan)
 Judicial Member

“SA”


 (M.P. Singh)
 Vice Chairman