



CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT INDORE

OA No. 575/04

Indore, this the 9th day of March 2005.

C O R A M

HON'BLE MR.V.K.MAJOTRA, VICE CHAIRMAN
HON'BLE MR.A.S.SANGHVI, JUDICIAL MEMBER

Madhukar Shirpurkar
S/o Shri Mukund Shirpurkar
R/o 283, Rajendra Nagar
Indore - 12 (MP)

Applicant

(By advocate Shri S.P.Vapat)

Versus

1. The Union of India
through the Secretary to the Govt. of India
Ministry of Railway
Delhi.

2. The Divisional Railway Manager
Settlement Section
Central Railway
Bhusawal (M.S.).

3. The Chief Account Officer
Central Railway, Bhusawal (M.S.).

4. The F.A.&C.A.O. (Pension)
Central Railway
New Administrative Building
C.S.T., Mumbai

Respondents.

(By advocate Shri M.K.Sharma)

O R D E R (oral)

By V.K.Majotra, Vice Chairman

Through this OA, the applicant is aggrieved that the respondents have not sanctioned payment of the difference of retirement gratuity, the applicant having retired between 1.7.93 and 1.4.95. The applicant has sought the following reliefs:

(i) To direct the respondents to recompute the DCRG payable to the applicant and pay the difference of amount of DCRG with 12% interest thereon.



2. Learned counsel for the applicant pointed out that the applicant was paid retirement gratuity by merger of 20% DA in pay. However, in terms of order dated 3.2.2005 in OA 703/03 - Ramanand Saxena Vs. UOI & ors and other connected matters, the applicant is entitled to the benefit of merger of 97% DA in pay by computing DCRG and also payment of consequential difference of the gratuity amount." In the matter of Ramanand Saxena (Supra), the following directions were made:

"On the other hand, the learned counsel for the respondents has stated that the applicants have filed the present OAs in pursuance of the judgement passed by the CAT, Mumbai Bench on 21.9.2001 and the Government has already filed a Writ Petition before the Hon'ble High Court at Mumbai and the Hon'ble High Court has admitted the said WP on 29.4.02 and now the matter is subjudice. The Hon'ble Supreme Court in SLP No.18367/02 (arising from the order dated 3.5.02 in CWP 4995/97 of Hon'ble High Court of Punjab & Haryana at Chandigarh) (State of Punjab & Ors. Vs. Amar Nath Goyal & Ors.) vide order dated 6.1.2003 has stayed the judgement and order dated 3.5.02, besides this, in an identical case a Review Application No.134/02 in OA No.636/PB/2002 had been filed before the Chandigarh Bench of the Tribunal and the Tribunal vide its order dated 6.6.03 has revised its earlier order dated 10.7.2002 holding that the benefits shall be granted to the applicants therein after the decision of the Hon'ble Supreme Court if it is favourable. The Hon'ble Supreme Court in Civil Appeal No.129/2003 (State of Punjab Vs. Amar Nath Goyal) vide order dated 27.7.04 has directed to transfer the pending writ petition from Bombay High Court to the Hon'ble Supreme Court so that all matters on similar question are finally determined. In another identical case the Bangalore Bench of this Tribunal in OA No.727/03 and other connected OAs (M.Damodaran & Ors. Vs. Union of India & Ors.) vide order dated 2.4.2004 has passed the following order:

"Accordingly, the applications are disposed of with a direction that the claim of the applicants for revision of pension as well as DCRG would be regulated based upon the judgement to be rendered by the Hon'ble Supreme Court in Civil Appeals as well as connected petitions/appeals as cited above.."

We have given careful consideration to the rival contentions and the various decisions relied upon by the learned counsel for the parties. We find that the present cases are squarely covered by the decision of the Bangalore Bench of the Tribunal in the case of M.Damodaran (Supra). We also perused the order passed by the Jaipur Bench of the Tribunal

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in OA No.617/2003 and find that similar issue has already been dealt with. Hence we are in respectful agreement with the order passed by the Bangalore Bench of the Tribunal and we hold that the aforesaid order passed by the Bangalore Bench shall be mutatis mutandis applicable to the cases of the present applications as well. In the result, the Original Applications are disposed of in the above terms. No costs. ".

3. It is admitted by both sides that while the Bombay High Court had allowed the relief claimed herein, in the case of Baburao Shankar Dhun & Ors Vs. UOI in OA 542, 942 & 943/1997, the matter is now pending in Writ Petition before the Hon'ble Supreme Court.

4. We have taken into consideration the facts and circumstances of the present case. We find that the case of Ramanand Saxena (Supra) was a similar matter and as such this matter is fully covered by the aforesaid order dated 3.2.2005. The present OA is also, as such, disposed of with similar directions.

(A.S.Sanghvi)
Judicial Member

V.K.Majotra
(V.K.Majotra)
Vice Chairman

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Dr. 16. 83
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Reined together S.P. Volk
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