

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 154 of 2003

Jabalpur, this the 17th day of June, 2004

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

Kamla Prasad S/a Laxminarayan aged
about 75Yrs., Ex-Diesel Assistant,
Sagar, R/o Village Ikapana Basana,
Post Semra hat, Teh. & Distt. Sagar(P)

APPLICANT

(By Advocate - Shri H.S.Verma with Shri M.B.Saxena)

VERSUS

1. Union of India
Through - Secretary (Estt) Ministry
of Railways, Railway Board, New-Delhi.

2. General Manager,
Central Railway,
Mumbai(C.S.T)

3. Divisional Railway Manager,
Central Railway, Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this DA, the applicant has sought the
following main reliefs :-

"8.1 quash the impugned order Ann A/1 declaring the
same as null and void since the same, is contrary to the
provisions of Railway Pension Rules 1950.

8.2 direct the respondent Railways to grant appropriate
pension payable to the applicant and pay the same with
arrears including interest on the arrears so payable".

2. The brief facts of the case are that applicant was
working as Diesel Assistant and he had resigned from service
on 17.11.1977. The applicant had applied for exgratia pension
Vide order dated 15.3.2001. The applicant was informed by the
respondents that he is not entitled for exgratia pension.

Hence, he has filed this DA.

3. Heard the learned counsel for the parties.

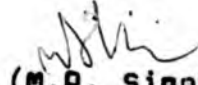
4. The learned counsel for the applicant has submitted that the present case is fully covered by the order of this Tribunal passed on 13.10.1995 in OA No.623/91/In that A.P. Shukla Vs. UOI & Ors. case also the applicant has resigned from service. Relevant para in the aforesaid OA is extracted below :-

"15. The Apex Court in the case of M/s J.K. Cotton Spg Weaving Mills Company Ltd, Kanpur held that the Resignation amounts to voluntary retirement. The applicant after all has served the Department for 10 years. Had he not tendered his resignation, he would have received pension. As such when there is voluntary resignation, there is a termination of service which for the purpose of pension may be treated as voluntary retirement though under the rule this benefit is available only on completion of 30 years of service".

5. On the other hand the learned counsel for the respondents has vehemently opposed the argument of the applicant and stated that the said order of this Tribunal is not applicable in this case, ^{has} He/further stated that the case of Shri Rameswaroop Gulati S/o Diwanchand Gulati Vs. UOI, passed on 6.8.2002 in OA No. 878/96 covers the present case.

6. We have given careful consideration to the rival contentions made by the parties and we find that the present case is fully covered by the order of this Tribunal in the case of Shri A. P. Shukla (supra). In view of this fact, the OA is allowed. The respondents are directed to grant the ex-grezie pension within a period of 3 months from the date of receipt of copy of this order. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman