

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 616 of 2002

Jabalpur, this the 3rd day of August, 2004

Hon'ble Mr. Sarweshwar Jha, Administrative Member
Hon'ble Mr. Madan Mohan, Judicial Member

Gulab Singh Rathore, S/o Late
Permanand Rathore, aged 62 years,
Retired Teacher, Rly. Primary
School, Katni, Murwara, Resident
of Rubber Factory Road, Rajeev
Gandhi Ward, Katni(MP)

(By Advocate - None)

APPLICANT

VERSUS

1. Union of India, through
Secretary(Estt) Ministry of
Railway, Rail Bhawan,
New Delhi.
2. General Manager,
Central Railway,
G.M.'s Office, Central Railway,
CST Mumbai(Maharashtra).
3. Divisional Railway Manager,
Central Railway, DRM's Office,
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri H.B. Shrivastava)

O R D E R (ORAL)

By Sarweshwar Jha, Administrative Member -

The applicant, who was a Selection Grade Teacher with the respondents, in the scale of Rs. 1640-2900 w.e.f. 1.1.1986 and retired on superannuation on 30.6.2000, has prayed for a direction to be given to the respondents to fix his pay in the grade of Rs.6500-10500 w.e.f. 1.1.96 and pay him the arrears for the period from 1.1.1986 - 30.6.2000 and also consequential benefits including revision of pension and arrears of pension due to revision/fixation of pay.

2. The respondents in their reply have submitted that the said benefits have already been granted to the applicant as per the details submitted by them in their reply. It is observed that the respondents have since refixed his pay in the scale of Re.6500-10500 w.e.f. 1.1.96 and allowed him arrears till

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the date of his retirement. They have also paid him arrears for the period from 1.1.91 to 31.12.95 as on 14.6.2001. Arrears for the other small periods, as detailed in the reply, have also been paid to him. Only an amount of Rs. 120/- for the period from 1.1.86 to 31.12.86 is yet to be paid to him for the reasons that pay sheets for the ~~small~~ period have been destroyed as per rules laid down on the subject. They are, however, making efforts to pay the said meagre amount of Rs. 120/- by obtaining the sanction of the Railway Board, if necessary. They have also added that even otherwise the said claim is quite belated.

3. As regards consequential benefits, the respondents have since revised his pension and also issued a revised PPO - a copy of which is placed at Annexure R-1. On the question of making payment of interest, they have submitted that there has been no intentional delay on the part of the respondents in arranging the payment of the said dues. They have also submitted that delay might have taken place on account of the fact that the orders for revision in the grade have changed from time to time and as such the respondents ~~are not responsible~~ for any delay whatsoever in doing the needful. They have also submitted in this regard the fact that as per the Indian Railway Board ~~for the Accounts Department~~, the maximum period for preservation of pay sheets is 10 years, and hence the pay sheets for the small period of 1.1.86 to 31.12.86 ~~do not~~ available.

4. It is thus observed that the reliefs, as prayed for by the applicant, have been majorly granted by the respondents and, as submitted by them, there is nothing pending with them except payment of an amount of Rs. 120/- in which regard they are already taking necessary action.

5. Even though the reply on behalf of the respondents had been filed on 1.7.2003 and a copy of which ~~had~~ been sent

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to the applicant on 30.6.2003 by Registered post, he has not cared to file any rejoinder to the reply of the respondents.

6. In these circumstances, it is assumed that the applicant has no further grievance in view of the reliefs having already been granted to him.

7. In consideration of the facts as submitted by both the sides and also keeping in view the fact that no rejoinder has been filed by the applicant in spite of his ~~having~~ ^{✓ received} a copy of the reply of the respondents a year ago and also observing that nothing survives in this OA, the same is dismissed as having become infructuous. No costs.

(Madan Mohan)
Judicial Member

(Sarweshwar Jha)
Administrative Member

Issued
On 10.8.04
RS

पूछांकन सं. ओ/व्या..... जबलपुर, दि.....
प्रतिलिपि अचो दित:-
(1) सचिव, उच्च व्यायालय बार एसोसिएशन, जबलपुर
(2) अद्यतक श्री/श्रीमती/कु. के काबंसल ^{applicant}
(3) प्रत्यर्पी श्री/श्रीमती/कु. के काउंसल ^{AB 871101} wa
(4) कंसपर्स, क्षेत्रा, जबलपुर व्यायालय
सूचना एवं आवश्यक कार्यालयी हेतु ^{RS} 10-8-04
राष्ट्रीय रजिस्ट्रार