

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.348/2005.

Jaipur, this the 21st day of November, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Nathu
S/o Shri Dhannalal,
Aged 65 years,
R/o Gram Khan Bhankari,
District Dausa.

... Applicant.

By Advocate : Shri Amit proxy counsel for
Shri Mahesh Ved.

Vs.

1. Union of India through
General Manager, North Western Railway,
Jaipur.
2. Divisional Railway Manager,
D.R.M. Office,
North Western Railway,
Bikaner Division,
Bikaner.
3. Sr. Divisional Finance Manager
(Sr. D.A.O.)
D.R.M Office North Western Railway,
Bikaner Division,
Bikaner.

... Respondents.

By Advocate : Shri Anupam Agrwal.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

be
"a) That the respondents maybe directed to pay
retrial benefits including pension as per the revised
pay scale No.3 of the Railway service (Revised Pay)

Rules 1997 and as per recommendation of the Vth Pay Commission. The respondents may be further directed to pay entire arrear amount of retrial benefits including pension with interest @18% per annum from the date of superannuation till the date of payment.

b) Any other order, direction relief may be passed in favour of applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

c) Cost of this application may be awarded."

2. Briefly stated, the facts of the case are that the applicant retired from Railway service on 28.02.1997 and at the time of his retirement he was in the pay scale of Rs.800-1150/- with basic pay of Rs.1025/- per month. Accordingly, he was ~~not~~ paid his dues. Subsequently when the Vth Pay Commission Recommendation were accepted and implemented, the applicant became entitled for his pension and arrears over his dues. The grievance of the applicant in this OA is that his pension has not been revised and remaining pensionary dues have not been paid to him as per the revised pay scale. As such, he has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. Respondents have filed reply.

4. The facts as stated above have not been disputed. It is further stated that delay in making payment as per revised pay scale was due to the fact that the applicant failed to make any request to the appropriate authority.

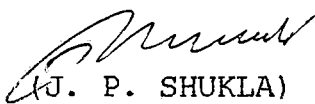
On merit, it is, however, been stated that after

implementation of Fifth Pay Commission, the applicant was fixed in the pay scale of Rs.2610-3540 at Rs.3280/- as on 1.1.1996. After his promotion to the post of Safai Jamadar w.e.f. 13.2.1997 his pay was revised to the scale of Rs.2650-4000 fixed at Rs.3370/- per month. The respondents have further stated that in terms of the aforesaid revised pay scale rules, the pay of the applicant was also revised subsequently after his retirement and arrears thereof were also paid to him. The respondents have also annexed the copy of the revised PPO along with reply as Annexure R/1. The respondents in para 6 of the reply have given the detail of the amount, to which the applicant is entitled and has been paid to him pursuant to revision of his pension. It is further stated that initially the gratuity was not paid to the applicant as he did not vacate the railway house as per rules. He, however, vacated the same on 11.6.1997 and thereafter by making fixation as per the recommendations of Fifth Pay Commission his salary was fixed at Rs.3370 and he was also paid the remaining dues as per the detail given in para 6. Copy of the reply was filed by the respondents on 24.10.2005 with a copy to the learned counsel for the applicant on the same day. The applicant has not filed any rejoinder.

5. In view of this development, we are of the view that the present OA does not survive and has become infructuous. It is, however, clarified that in case the

applicant is still aggrieved that some amount is due to the applicant, it will be open for him to reagitate the matter and dismissal of this OA will not come in his way.

6. With these observations, the OA is dismissed with no order as to costs.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C.