

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

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ORDERS OF THE TRIBUNAL

03.04.2012

OA No. 132/2008 with MA 134/2011

Mr. P.N. Jatti, Counsel for applicant.
Mr. V.S. Gurjar, Counsel for respondents.

Heard. The OA as well as MA are disposed of by a separate order.

K. S. Rathore
(Justice K.S.Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 3rd day of April, 2012

Original Application No.132/2008

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Madan Singh Chauhan,
s/o Shri Mangal Singh Chauhan,
r/o Green Park Colony,
Near ST/SC Hostel,
G.K.Road, Bandikui,
Presently retired as Chief loco Inspector,
O/o Senior D.M.E., Jaipur

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. The Union of India
Through the Secretary to the Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. General Manager,
North Western Railway,
Jaipur (since deleted)
2. Senior Divisional Personnel Officer,
O/o DRM, North Western Railway,
Jaipur

.. Respondents

(By Advocate: Shri V.S.Gurjar)

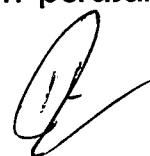
ORDER (ORAL)

The matter was heard at length and both the parties were given opportunity to file written submissions. In the written submissions submitted on behalf of the respondents, it is stated that subsequent to dismissal of SLP in the case of Krishan Lal, the Hon'ble Supreme Court in various other similar matters after issuing notices to the respondents clubbed the following SLPs:-

- i. SLP (Civil) 7376/2009- UOI v. P.N.Prasad & Ors.
- ii. SLP (Civil) 11805/2009 – UOI v. R.D.Dixit & Ors.
- iii. SLP (Civil) 11806/2009 – UOI v. Yogendra Lal Sharma and Ors.
- iv. SLP (Civil) 11807/2009 – UOI v. Madan Lal Sharma and Ors.
- v. SLP (Civil) 11808/2009 – UOI v. Ganesh Das and Ors.
- vi. SLP (Civil) 11539/2009 – UOI v. K.L.Mehandiratta and Ors.
- vii. SLP (Civil) 17513/2009 – UOI v. Vinod Kumar Saxena and Ors.
- viii. SLP CC No.11142/2010-UOI & Ors. vs. Kundan Lal and Ors.
- ix. SLP CC No. 13695/2010- UOI & Ors. v. Habib-ur-Rehman and Ors.

2. It is not disputed by the learned counsel appearing for the respective parties that as many as 9 SLPs are pending consideration before the Hon'ble Supreme Court involving similar question of law and facts.

3. To verify this fact, this Tribunal directed the respondents to place copy of the SLPs for perusal and upon perusal of the SLPs



pending before Hon'ble Supreme court, it reveals that same issue involves in this OA.

4. The applicant in the present OA has prayed for a suitable writ/order or direction that the applicant is entitled to get 55% added in his basic pay at the time of retirement and further the respondents be directed to add the same in the basic pay and then recalculate the retiral benefit including pension D.C.R.G., Leave Encashment and other retiral benefits.

5. The Judgment passed by the Central Administrative Tribunal, Principal Bench, New Delhi vide its order dated 16.10.2001 in OA No.229/2000, Krishan Lal vs. Union of India and ors., was challenged before the Hon'ble Delhi High Court and thereafter before the Hon'ble Supreme Court and Hon'ble Delhi High Court and Hon'ble Supreme Court upheld the judgment passed by the Principal Bench of the Central Administrative Tribunal.

6. As stated hereinabove, since as many as 9 SLPs involving similar question of law and facts are pending consideration before the Hon'ble Supreme Court, as such, in my considered view, the ends of justice will be met if I dispose of the OA subject to decision to be rendered by the Hon'ble Supreme Court in the SLPs, which are pending consideration. I further deem it proper to direct the



respondents to do the needful in view of the judgment to be rendered by the Hon'ble Supreme Court in the aforesaid SLPs.

7. With these observations, the OA stands disposed of with no order as to costs.

8. In view of disposal of the OA, no order is required to be passed in MA No.134/2011, which stands disposed of accordingly.


(JUSTICE K.S.RATHORE)
Judl. Member

R/