

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

21.02.2014

OA No. 515/2011 with MA 44/2013

Mr. S.C. Sethi, Counsel for applicant.
Mr. Salim Khan, Proxy counsel for
Mr. Tanveer Ahmed, Counsel for respondents.

List it on 25.02.2014.

Anil Kumar
(Anil Kumar)
Member (A)

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25/02/2014

OA NO. 515/2011 with MA NO. 44/2013 &
MA NO. 291/00014/2014

Mr. S.C. Sethi, Counsel for applicant.
Mr. Tanveer Ahmed, Counsel for respondents.

Arguments heard.

Order is reserved.

Anil Kumar
[Anil Kumar]
Member (A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: 515/2011
MA 44/2013 & 291/00014/2014

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Date - 27-02-2014

OA No. 515/2011 With MA No. 44/2013 & 291/00014/2014
Order pronounced today in the open Court
by the Hon'ble Bench.

[Signature]
27/2/14

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION No. 515/2011 WITH
M.A. Nos. 44/2013 & 291/00014/2014**

Order Reserved on : 25/02/2014

Order Pronounced on : 27/02/2014

CORAM :

Hon'ble Mr. Anil Kumar, Administrative Member

Baldeo Prasad S/o Ram Asre, Age 65 years, retired running room Baira, North Central Railway, Idgah Agra resident of C/o Ratan Lal Jain Gangwal, Sarrafa Bazar, Near Nagarpalika, Sawai Madhopur (Raj.)

....Applicant

By Shri S.C. Sethi, counsel for the applicant.

V E R S U S

1. Union of India, Through General Manager, West Central Railway, Jabalpur.
2. Union of India, Through General Manager, North Central Railway, Allahabad.
3. Divisional Railway Manager, West Central Railway, Kota Division, Kota (Raj.)
4. Divisional Finance Manager, North Central Railway, Agra (U.P.)

....Respondents.

By Shri Tanveer Ahmed, counsel for the respondents.

O R D E R

The brief controversy in the present O.A. is with regard to the correct fixation of pension of the applicant. According to the learned counsel for the applicant the respondents have fixed the pension of the applicant taking the length of qualifying service as 27 years 6 months for pension purpose whereas the applicant is entitled for correct length of service 33 years for pension purpose. Therefore, the respondents be directed to issue a

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correct PPO regarding the dated of appointment, length of service, fixation of payment and payment of difference of amount of pension from the date of retirement i.e. 31/07/2006.

2. The learned counsel for the respondents submitted that the length of 33 years of qualifying service for the purpose of pension is not relevant after the introduction of Sixth Pay Commission. Now the qualifying service for pension purpose is 20 years. According to the latest rules if a employee has completed 20 years qualifying service then his pension would be fixed at 50% of last pay drawn.

3. In pursuance to the direction issued by this Tribunal on 05/12/2013 the learned counsel for the respondents have filed an M.A. No. 291/00014/2014 replying to the queries raised by this Tribunal. They have also enclosed a calculation sheet of the pre-revised and revised family pension at Annexure MA/1 and Annexure MA/2. Vide this M.A. they have informed that the applicant was entitled for Rs. 2282/- along with D.A. prior to Sixth Pay Commission as pension. But after the Sixth Pay Commission the entitlement of pension of applicant is Rs. 4445/- with D.A. This pension has been fixed at the rate of 50% of last pay drawn.

4. The learned counsel for the applicant submitted that the pension of Rs. 4445/- with D.A. is not correct statement. D.A. is admissible in addition to the pension. The learned counsel for the respondents admitted the averments made by the learned

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counsel for the applicant and he submitted that the Rs. 4445/- would be the amount of pension and applicant would be entitled for the D.A. in addition to this pension amount from time to time as applicable. Thus the controversy with regard to correct fixation of the pension of the applicant has been resolved.

5. The learned counsel for the applicant has given bank account number of the applicant for the payment of the pension of the applicant to the learned counsel for the respondents before the Tribunal. Now the respondents have the bank account of the applicant, therefore, the payment can be made to the applicant by the respondents. The respondents are directed to make the payment of the pension and balance if any on account of the revision of pension of the applicant within a period of one month from the date of receipt of copy of this order.


6. Thus the relief has already been granted by the respondents to the applicant and therefore this O.A. has become infructuous.

7. Therefore, the O.A. is dismissed as having become infructuous. There shall be no order as to costs.

8. However, the applicant would be at liberty to redress his grievance, if he still finds any anomaly with regard to fixation of his pension or payment of balance amount as payable to the applicant before the appropriate forum.

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9. M.A. No. 44/2013 is disposed of accordingly. The documents annexed along with M.A. No. 291/00014/2014 are taken on record and accordingly M.A. is disposed of.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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