

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **19th** day of **September**, 2018

Present :

Hon'ble Mr. Justice Bharat Bhushan, Member-J

Original Application No.330/00808/2012

Santosh Kumar Saxena, Son of Sri Ram Swaroop Saxena, Resident of Village Gwala Gali, Near Shiv Mandir, Subhash Nagar, District Bareilly.

.....Applicant.

By Advocate –Shri V.K. Tripathi

V E R S U S

1. Union of India through its General Manager, N.E. R., Railway Department, Gorakhpur.
2. The Ministry of Personnel Public Grievances and department of pensions of pensioners Welfare Lok Nayak Bhawan, New Delhi.
3. The Divisional Railway Manager, Karmik North Eastern Railway, Izzat Nagar, Bareilly.
4. The State Bank of India Branch Aonwla, Bareilly through its Branch Manager.

... Respondents

By Advocate : Shri Raj Kamal Srivastava

O R D E R

By Hon'ble Mr. Justice Bharat Bhushan, Member-J :

This Original Application (in short OA) has been filed under Section 19 of Administrative Tribunal Act, 1985 for following relief(s) :-

- "(i) *issue a writ, order or direction in the nature of mandamus commanding the respondents to pay the pension to the applicant as Rs.11852/- per month in compliance of the 6th Pay Commission Report dated 08.09.2008 on the basis of basic pension as Rs. 7866/- and shall be considered as well as explained in Para No.5 of the aforesaid G.O. dated 08.09.2008.*
- (ii) *issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to consider the representation dated 29.09.2009 and 05.11.2011 which is pending before the respondents upto now.*
- (iii) *issue any other appropriate writ, order or direction to which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*
- (iv) *Award the cost of original application/petition in favour of the applicant."*

2. The brief facts of the case are that the applicant retired on 31.12.2005 from the post of C. Section Engineer (Samadi) North Eastern Railway, Izzat Nagar, Bareilly after completing his age of superannuation and his pension was being realized by respondent No.3 on the basis of basic pension 7866 and accepting encashment on account of 40% Rs.11852/- was paid to the applicant upto August, 2008 by the Bank concern.

3. As per G.O. No.38/37/08 dated 08.09.2008 the respondent has amended P.P.O. No. NE 05/246093 dated 25.01.2005 of the applicant and sanctioned the pension Rs.10603/- per months from January 2009 on

the rate of basic pension Rs.5244/- instead of Rs.7866/- and its 40% encashment amount is calculated as Rs.2098/- in place of Rs.3146/- as such the applicant is suffering loss of Rs. 1250/- per month from January 2009 without any fault of the applicant.

4. The applicant appears to have made the representations dated 29.09.2009 and 05.11.2011 (Annexure-A-1) whereby certain claims were made by the applicant. By the present OA, the applicant has sought payment of pension of Rs.11852/- per month in compliance of the 6th Pay Commission Report dated 08.09.2008.

5. The applicant is not present today to pursue his case. He has also not been pursuing this case for several dates, now therefore, this Tribunal believes that it would be just and proper to direct the respondents to take action on the representations dated 29.09.2009 and 05.11.2011 (Anneuxre-A-1) of the applicant.

6. In view of the limited prayer made by the counsel for the applicant but without commenting anything on the merits of the case, the Competent respondent is directed to decide the representations dated 29.09.2009 and

05.11.2011 (Anneuxre-A-1) of the applicant by passing a reasoned and speaking order within a period of six months from the date of receipt of a certified copy of this order.

7. It is made clear that this Tribunal has also not passed any direction regarding the prayer No.1 of the applicant.

8. In view of the above direction, the OA is disposed off. No costs.

Member-J

RKM/