

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.1086/2016

This the 13th day of December 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Vipin Kumar Pathak, Aged 61 years
S/o Late Sh. P.N. Pathak
Retired Sr. Ticket Examiner from Northern
Railway, Delhi Division, New Delhi
r/o 2/2, Marris Tower, Marris Road
Aligarh(UP)-202001.Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.
3. The Divisional Finance Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant retired from the post of Head Ticket Examiner on attaining superannuation on 31.08.2014. The said post was in PB-II+GP of Rs.4200/-. The grievance of the applicant is that his retiral benefits have not been fixed on the

basis of the post held by him at the time of promotion. Accordingly, a direction is sought for payment of the retiral benefits to the applicant by granting benefit of cadre restructuring w.e.f. 01.11.2013 fixing his pay in grade pay of Rs.4200/-

2. Reply has been filed by the respondents. In para 4.6 of the reply, it is stated that the applicant retired from Railway service on 31.08.2014 on superannuation. It is also stated that as per practice in the office, the retirement cases are sent to the Settlement Section three months in advance in order to ensure timely payment to the retiring employee. The case of the applicant, Shri Vipin Kumar Pathak was also sent to the Settlement Section for final settlement three months in advance from the actual retirement date i.e., 31.08.2014. The promotion order of the applicant in Grade Pay of Rs.4200 under the cadre restructuring was issued on 28.08.2014, i.e., three days before his retirement.

3. Shri S.M. Arif, learned counsel appearing for the respondents submits that since the benefit of cadre restructuring was granted to the applicant three days before the date of his superannuation, the information was not available with the Settlement Section, hence, the discrepancy has occurred. It is further stated that the Settlement

Department would recalculate the retiral benefits of the applicant on the basis of his promotion order dated 28.08.2014.

4. In view of this admission of the respondents, this OA is disposed of with a direction to the respondents to recalculate the retiral benefits of the applicant by taking into consideration his placement in the restructured cadre/post of ATE in PB 2+Grade Pay 4200. Let this entire exercise be completed within a period of two months from the date of receipt of a copy of this order and the differential amount be released to the applicant within one month thereafter.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

December 13, 2017

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