

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 21/247/2019

Date of Order:12.03.2019

Between:

1. Syed Yousuf, S/o. Syed Hussain,
Aged about 77 years, Occ: Retd. Mail/ Express Driver,
PPO No. 59021105407, R/o.9-5-382/1,
Maqdoomji colony, Chidri Road, Bidar – 58540,
Karnataka State.
2. Venkat Sita Ram, S/o. Sita Ram,
Aged about 74 years, Occ: Retired Driver, Railways,
R/o. Milind Nagar, Behind Magdhuru Shah Dargah,
H. No. 9-5-371/2, Bidar.
3. Shaik Mehta, S/o. Sk. Moulana,
Aged about 74 years, Occ: Retired Mail Express Driver,
R/o. H. No. 4-12-38/A, Ward No.14,
Vikarabad, Telangana State.
4. Manik Laxman, S/o. Laxman,
Aged about 66 years, Occ: Retired Sr. Goods Driver,
R/o. H. No. 9-12/101, Vidyanagar Colony, Bidar.

... Applicants

And

1. The Union of India, Rep. by the Secretary,
Ministry of Personnel and Public Grievances,
North Block, New Delhi.
2. The Joint Director Finance (Estt.),
Railway Board, New Delhi.
3. The Divisional Railway Manager,
Sanchalan Bhavan, Secunderabad.
4. The Additional Divisional Railway Manager,
(Operations), Secunderabad.
5. Senior Divisional Personal Officer,
4th Floor, Sanchalan Bhavan, Secunderabad Division,
South Central Railway, Secunderabad – 71.
6. Financial Audit and Controlling Officer (FA&CO),
Rail Nilayam, Secunderabad.

... Respondents

Counsel for the Applicants ... Mr. P. Lakshmana Rao
 Counsel for the Respondents ... Mrs. A.P. Lakshmi, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The Original Application has been filed for implementation of the Railway Board orders dated 24.01.2018 in regard to implementation of the recommendations of the VII CPC.

3. Brief facts of the case are that the applicants have retired as running staff from the respondents organization. On the implementation of the VII CPC, pension of the applicants has to be revised as they are pre-2016 retirees. The respondents informed that the bank authorities will verify and revise their pension as per VII CPC recommendations. However, despite making efforts, pension has not been revised. Therefore, OA has been filed seeking a direction to the respondents for taking necessary action in the matter.

4. The contentions of the applicants are that paras 2 to 5 of the Circular of the Railway Board dt. 24.01.2018 (RBE No. 13/2018) clearly provide for revision of pension as has been sought by the applicants.

5. Heard both sides counsel and perused the documents plus material papers submitted. Learned counsel for the applicants requested that a direction be given to respondents to dispose of OA, keeping the provisions of Railway Board dt. 24.01.2018 in view. Learned counsel for the respondents has stated that there is no objection for disposing the OA on the said ground.

6. As seen from the records, applicants retired from the respondents organization as running staff. Specific circular has been issued by the Ministry of Railways on 24.01.2018 to implement the Government decision on the recommendations of the VII CPC. From para 3 of the said circular, it is clear that based on the references received from Pensioners' Associations, they have dealt with the aspect of pension of running staff taking into consideration pay element. The said Circular also contains illustrations as to how pension has to be revised. The applicants' grievance is that their pension has not been revised as per the stipulations contained in the said Circular. Hence, they have represented to the respondents and the same were disposed of stating that the bank authorities are advised suitably. Nevertheless, since there is no action on behalf of the banker, they have approached this Tribunal.

7. In view of the above, the respondents are directed to look into the representations of the applicants keeping in view the orders contained in Railway Board circular vide RBE No. 13/2018 dt. 24.01.2018 as under:

“4. The above issue has been examined in consultation with Pay Commission Directorate of Board. The pay of the Running Staff is deemed to be ‘depressed’ vis-à-vis the Non-running Staff and the measure of depression is called the pay element. As per extant instructions, 30% pay element is reckoned for in service benefits and 55% pay element is reckoned for retirement benefits. However, once the deemed depression has been made good by adding the pay element to be basic pay of the running staff (e.g. on posting to stationary posts, medical decategorization, retirement, etc.), benefits specifically admissible to the running staff (on account of depression in pay) are not admissible to them. To illustrate this it would be worthwhile to note that a running staff is entitled to Dearness Allowance on the pay plus 30% pay element. However, a retired running staff gets Dearness Relief only on the pension drawn (pension which has been fixed taking into account 55% pay element) and for this purpose pay element is NOT reckoned, once again. Therefore, the emoluments (basic pay plus 55% thereof) at the time of retirement would be taken as reference basic pay for further notional fixation of pay in the subsequent CPC periods as per other (non-running) staff.

5. In this connection, illustrations in three cases as furnished by PC Directorate is attached as Annexure to facilitate notional fixation of pay in 4th, 5th, 6th and 7th Pay Commission in respect of running staff who retired/died before 01.01.2016 for information and guidance. 50% of the notional pay fixed in such a manner shall be the revised pension as on 01.01.2016 and 30% of this notional pay shall be the revised family pension w.e.f. 01.01.2016 as per the first Formulation. Other conditions stipulated in DOP & PW's OM dated 12.05.2017 & 06.07.2017 will apply in the case of running staff also.

6. The higher of the two formulations i.e. the pension/ family pension already revised in accordance with Board's letter No.2016/F(E)III/1(1)/7 dated 10.08.2016 or the revised pension/ family pension as worked out in accordance with para 5 above, shall be granted to pre-2016 retired running staff pensioners as revised pension/ family pension w.e.f. 01.01.2016."

The above provision requires close examination by the respondents.

Therefore, after examining the said provision and also by treating the OA along with the material as representation of the applicants, respondents are directed to issue a speaking and reasoned order within a period of 60 days from the date of receipt of this order. OA is disposed of accordingly at the admission stage. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 12th day of March, 2019

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