

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1042/2016

Tuesday, this the 2nd day of April 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Narendra Pal (aged about 64 years)
Retd. Chief Loco Inspector, Kota
r/o Flat No.106, Nanak Tower
Post Office Road
Kota (Rajasthan)
2. Abdul Rashid (aged about 66 years)
Retd. CLI Kota
r/o Ward No.19, Wahid Manjit
Rangpur Road
Kota (Rajasthan)
3. Rajendra Partap Singh, aged 66 years
s/o Jagan Nath Singh, Retd. CLI Kota
r/o Gaon & Post Nanauti
Pratapgarh (UP)
4. Shri Babu Lal, aged 61 years
s/o Bajrang Lal Retd. CLLI Kota
r/o Kalatalav Arjunapura
New Ramdev Temple, Kota (Rajasthan)
5. Suraj Mal aged 60 years and 6 months
s/o Prabhu Lal Retd. CLI Kota
r/o Rangpur Road Harijan Basti
Kota (Rajasthan)
6. Sh. Lajja Ram aged 67 years
s/o Narayan Lal, Retd. CLI to Kota
r/o Mirajpur Road Gangapur City
(Rajasthan)
7. Chokhe Lal aged 67 years
s/o Bhuria Ram Retd. CLI Gangapur
Kota Divn. WC Rly.
r/o H.No.163 Nasia Colony
Gangapur City (Rajasthan)
8. Bahadur Singh, aged 70 years
r/o Raghuveer Parsad
Swatember Jain Mandir

Nasia Colony
Gangapur City (Rajasthan)

...Applicants

(Mr. S P Sethi, Advocate)

Versus

Union of India through

1. Secretary
Railway Board, Rail Bhawan, New Delhi
2. General Manager
West Central Railway
Jabalpur (MP)
3. The Divisional Railway Manager
West Central Railway
Kota Division, Kota

...Respondents

(Mr. Shailendra Tiwary, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

This O.A. is filed claiming the relief of re-fixation and re-computation of pension, and other ancillary benefits. Reliance is placed upon the judgment dated 12.03.1979 passed by the Hon'ble Allahabad High Court in **Mrs. Afsar Jahan Begum v. Union of India** (Special Appeal No.9/1975), which is said to have been affirmed by the Hon'ble Supreme Court, through an order dated 20.07.1988.

2. The respondents filed counter affidavit opposing the O.A.

3. On 20.12.2018, it was represented that the issue regarding re-fixation of pension of the employees, similarly situated as

applicants, is under consideration before the Hon'ble Supreme Court. Therefore, the O.A. was adjourned *sine die*.

4. Today, we heard learned counsel for applicants and learned counsel for respondents.

5. The question as to whether the benefit of addition of 55% of pay scale in the context of working out of pension for loco employees is available for the post held by the applicants herein, was the subject matter of several cases. In some cases, the O.A(s). were allowed and even the W.P(s). & SLP(s) were rejected. However, it is brought to our notice that in the recent past, the matter is once again taken to the Hon'ble Supreme Court by filing Civil Appeal No.5666/2017 (**Running Staff Association & others v. Union of India & another**). Both the parties agree that the said matter is yet to be decided.

6. We, therefore, dispose of this O.A. leaving it open to the applicants to work out the remedies depending on the outcome of Civil Appeal No.5666/2017, pending before the Hon'ble Supreme Court.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 2, 2019
/sunil/