

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A 3799/2014 with M.A 4239/2015,
M.A 3714/2017 and M.A 3273/2014,
O.A No. 3800/2014 with M.A 3274/2014
and M.A 4237/2015
O.A No. 3801/2014 with M.A 4233/2015,
M.A 3275/2014, M.A 3718/2017
and M.A 4234/2015,
O.A No. 3802/2014 with M.A 4248/2015,
M.A 3272/2014 and M.A 4249/2015**

This the 27th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. O.A No. 3799/2014

1. National Forum of Railway Congressmen,
Regd No. 57/81)
Rep. By Mr. KSN Murthy, Zonal President,
(South Central Railway Zone)
D. No. 21-11/11-8, Madhuranagar,
Vijaywada – A.P.
2. S. Linga Murthy, S/o Mallaiah,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Qazipet,
R/o D. No. 1-2-98/6,
Rahmath Nagar, Kazipet, 506003.
3. Iylaiah, S/o Dugaiah,
Aged about 70 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 25-4-469
Vishnupuri, Kazipet – 506003.
4. P. Satyanarayana, S/o P. Nagaiah,
Aged about 70 years,
Driver Mail (Retd.)
SC Railway Qazipet,
R/o D. No. 1-1-688,
Siddhartanagar, Kazipet, 506003.

5. Abdul Raheem, S/o Samdad,
Aged about 70 years,
Driver Mail (Retd.)
SC Railway Qazipet,
R/o D. No. 25-6-175,
Opp. Stalin's School, Kazipet – 506003.
6. V. SatyanandaRao, S/o. Ramulu,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o Flat No. 302, B-Block,
Relanagar, Ameerpet, Hyderabad.
7. G. Venkataiah, S/o Veeraiah,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 25-8 -416/3 Bapujinagar,
DSL Colony, Qazipet – 506003.
8. Mohd Abdullah, S/o Late Md. Ankush
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 1-2-98/2,
Rahmathnagar, Qazipet
9. Mohd. Yakoob, S/o Mohd. Hussain,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 25-9-166,
Bapujinagar, Qazipet
10. V. Venkaiah, S/o Ramulu,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 25/9-45,
Bapujinagar, Qazipet
11. K. Narsaiah, S/o Kankaiah,
Aged about 69 years,
Driver Mail (Retd.)
SC Railway Kazipet,
R/o D. No. 25-7-152,

Tilaknagar, Qazipet.

12. N. Narsaiah, S/o Sailu,
Aged about 69 years,
Senior Passenger Driver,
SC Railway, Qazipet
R/o D. No. 25-8-588,
Bapujinagar, Kazipet.

13. K. Venkataiah, S/o Narsaiah,
Aged about 69 years,
Senior Goods Driver,
SC Railway Kazipet,
R/o D. No. 105, Kadipilines, Kazipet.

14. Md. Yousuf, S/o Md. Hussain,
Aged about 64 years,
Senior Goods Driver,
SC Railway Kazipet,
R/o D. No. 25-9/161,
Bapujinagar, Kazipet.

15. J. Veresham, S/o Late Veeraiah,
Aged about 63 years,
Goods Driver,
SC Railway Kazipet,
R/o D. No. 25-8-69/2,
Shantinagar, DSL Colony,
Kazipet.

16. J. Shivraj, S/o Eraiah,
Aged about 63 years,
Goods Driver,
SC Railway Kazipet,
R/o D. No. 25-11-96
Bapujinagar, Kazipet.

17. P. Ramakrishna, S/o Gangulu,
Aged about 70 years,
Senior Goods Driver,
SC Railway Kazipet
R/o D. No. 25-6-24, Vistupuri, Kazipet.

18. J. Kondaiah, S/o Veeraiah,
Aged about 69 years,
Goods Driver,
SC Railway Kazipet,
R/o D. No. 3-22,
Barlagudem, Punnekal Post,

Khammam District.

19. Chandramouli, S/o Kattaiah,
Aged about 66 years,
Goods Driver,
SC Railway Kazipet,
R/o D. No. 1-1-1403,
Venkatadrinagar, Qazipet.

20. ShaikBashu, S/o Gudusab,
Aged about 69 years,
Senior Shunter
SC Railway Kazipet
R/o D. No. 91, Ramanagar, Vistupuri,
Kazipet.

21. Venkat Reddy, S/o. Veera Reddy,
Aged about 69 years,
Senior Shunter (Driver),
SC Railway Qazipet
R/o D. No. 25-4-48, Vistupuri,
Kazipet

...Applicants

(By Advocate : Mr. P. S. Rama Chandra Murthy)

VERSUS

1. The Union of India, Rep. By Chairman,
Railway Board and Ex Officio Principal,
Secretary, Government of India,
Ministry of Railways, Rail Mantralaya,
New Delhi – 110001.

2. The Union of India,
Rep. By Principal Secretary,
Ministry of Personnel, Pensioners Grievances,
And pensions, Department of Pension
And Pensioner's Welfare
Government of India, 3rd Floor,
Lok Nayak Bhawan, Khan Market, New Delhi.

3. The Union of India,
Rep. By the General Manager,
South Central Railway, Rail Nilayam,
Secunderabad – 500071
(As owner and Administrator of South Central Railway
Zone)

4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
5. The Senior Divisional Personnel Officer,
South Central Railway,
Sanchalam Bhavan,
Secunderabad- 500071.

...Respondents

(By Advocate : Mr. Krishna Kumar)

2.O.A No. 3800/2014

1. National Forum of Railway
Congressmen,
Regd No. 57/81)
Rep. By Mr. KSN Murthy, Zonal
President,
(South Central Railway Zone)
D. No. 21-11/11-8, Madhuranagar,
Vijayawada – A.P.
2. Laxmi Narayana, S/o Veeraiah,
Aged about 70 years
Senior Shunter (Driver)
SC Railway Qazipet,
R/O D. No. 1-46,
Vishnupuri, Qazipet.
3. G. Lingaiah, S/o Chandraiah,
Aged about 68 years,
Driver Mail (Retd.)
SC Railway Qazipet
R/o D. No. 10/13-63,
Laxmipuram, Kasibugga,
Warangal.
4. M. Venkatarajam, S/o Duragaiah,
Aged about 67 years,
Senior Goods Driver,
SC Railway Qazipet,
R/o D. No. 25-8-474,
Bapujinagar, Qazipet.

5. K. Badraiah, S/o K. Ashalu,
Aged about 67 years,
Senior Asst. Driver,
SC Railway Kazipet,
R/o D. No. 25-84-32
Bapujinagar, Kazipet.
6. Khaja Burhanuddin, S/o Mirasab,
Aged 69 years,
Diesel Asst. Driver,
SC Railway Kazipet,
R/o D. No. 25-8-416,
Bapujinagar, Kazipet.
7. Yakoob Miya, S/o Shaik Madar,
Aged about 70 years,
Senior Asst. Driver,
SC Railway Kazipet,
R/o D. No. 1-5-51, Jubilee Market,
Kazipet.
8. K. Manikyam, S/o Mathews
Aged about 69 years,
Senior Asst. Driver
SC Railway Kazipet,
R/o D. No. - 2511-141/A,
Bapujinagar, Kazipet.
9. D. Satyanarayana, S/o. Veeraiah,
Aged about 70 years
Guard Mail/Express
SC Railway Kazipet,
R/o D. NO. 1-1-61,
Venkatadrinagar, Kazipet
10. R. Iylaiah, S/o. Mallaiah,
Aged about 70 years,
Guard Mail/Express
SC Railway Kazipet,
R/o D. No. 1-1-1280,
Venkatadrinagar, Kazipet.
11. M. Amruthrao, S/o Krupananda
Aged about 70 years,
Senior Passenger Guards,
SC Railway Kazipet,
R/o D. No. 16-10-55, Shivanagar,
Green Lake, Warangal.

12. D. Venkataiah, S/o Dugaiah,
Aged about 70 years,
Guard Mail/Express
SC Railway Kazipet,
R/o D. No. 1-1-116
Prashantnagar, NIT, Kazipet.
13. T. S. Anantanarayan, S/o T. S.
Subramanya Iyer,
Aged about 70 years,
Guard mail/Express
S C Railway Kazipet,
R/o Plot No. 22, Flat No. 5,
Road No. 2, Chandragiri Colony,
Safeelguda, Secunderabad.
14. Mohd. Maqbool, S/o Mohd. Ismail
Aged about 69 years,
Guard Mail/Express,
SC Railway Kazipet,
R/o H. No. 4-16, Kadipikunta,
Kazipet.
15. D. N. S. S. Srinivas Rao,
S/o Sivaramaiah,
Aged about 70 years,
Guard Mail/Express
SC Railway Kazipet,
R/o Plot No. 43, Laxmi Enclave,
Near Bolaram Railway Station,
Secunderabad.
16. K. Rajaiah, S/o Lingaiah,
Aged about 69 years,
Passenger Guards,
S C Railway Kazipet,
R/o D. No. 25-7-65/10
Vivekanand Colony,
Kazipet.
17. Mohd. Sayeed, S/o Rajab Ali,
Aged about 69 years,
Senior Goods Guards,
SC Railway Kazipet,
R/o D. No. 25-6-112/3,
Near Vegetables Market,
Kazipet.

18. Ch. Rajasekharam, S/o Ram Swamy,
Aged about 67 years,
Goods Guards
SC Railway Kazipet,
R/o D. No. 19-11-325,
Vishwanatha Colony,
Shambunipet
Warangal.
19. G. Narayana, S/o Muttaiah,
Aged about 69 years,
Goods Guards,
SC Railway Kazipet,
R/o D. No. 29-756, E-8
Pawan Towers, Padmanagar,
Warangal.
20. B. Rukmini Bai,
W/o Late B. R. G. L. Suryanarayana
Aged about 63 years,
LR of Late B. R. G. L. Suryanarayana
Guard Mail/ Express
SC Railway Kazipet
R/o D. No. 316, Road No. 6,
New Nagole City, Nagole,
Hyderabad.
21. Rajakumaramma,
W/o Late Buravaiah,
Aged about 65 years,
LR of Late Buravaiah,
Mail/Express Guard,
R/o D. No. 4-3-77, Kothur Street,
Hanamkonda

...Applicants
(By Advocate : Mr. P. S. Rama Chandra Murthy)

Versus

1. The Union of India, Rep. By
Chairman,
Railway Board and Ex Officio
Principal,
Secretary, Government of India,

Ministry of Railways,
Rail Mantralaya,
New Delhi – 110001.

2. The Union of India,
Rep. By Principal Secretary,
Ministry of Personnel, Pensioners
Grievances,
And pensions, Department of
Pension And Pensioner's Welfare
Government of India, 3rd Floor,
Lok Nayak Bhawan,
Khan Market, New Delhi.
3. The Union of India,
Rep. By the General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad – 500071
(As owner and Administrator of
South Central Railway Zone)
4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Senior Divisional Personnel
Officer,
South Central Railway,
Sanchalam Bhavan,
Secunderabad- 500071.

...Respondents

(By Advocate : Mr. Krishna Kumar)

3. O.A 3801/2014 :

1. National Forum of Railway
Congressmen,
Regd No. 57/81)
Rep. By Mr. KSN Murthy,
S/o. Narayan Murthy
Zonal President,
(South Central Railway Zone)
D. No. 21-11/11-8, Madhuranagar,
Vijaywada – A.P.

2. A. Bhavanarayna, S/o A. Appa Rao,
Aged about 66 years,
Mechanical Crew Controller (Driver),
SC Railway Guntur,
R/o. D. No. 3-20-40/4,
Old Pasttabhi Puram,
Guntur – 522006
3. P.M.K. Murthy, S/o. Ramulu,
Aged about 70 years,
Retd. Male Driver,
South Central Railway Vijayawada,
R/o D. No. 18-5-14,
3rd Lane, Kedare Swarapet,
Vijayawada- 520000
4. Ch. Hanmath Rao,
S/o C. Satyanandham,
Aged about 70 years,
Retd. Male Driver,
R/o D. No. 3-161, Adarsha Nagar,
Balipet, Rajahmundry 533101,
5. S. V. S. V. Prasada Rao,
S/o Surayyanarayana,
Aged about 69 years,
Retd. Male Driver,
SC Railway Rajahmundry,
R/o D. No. 80-20-6/2, Jayasri, Gardens
5th Street, Op. Bhanu Towers,
J. N. Road, Rajahmundry.
6. P. Venkateshwarlu, S/o P. Atchaiah,
Aged about 68 years
Retd. Male Driver,
SC Railway Guntur,
R/o D. No. 8-7-47, Nehru Nagar,
4th Lane, Guntur- 522001.
7. M. Hamad Baig, S/o S. Mirja Baig,
Aged about 67 years,
Senior Goods Driver,
SC Railway Vijayawada,
R/o D. No. 8-33-166,
Near Nizam Gate,
Vinchpet, Vijayawada.
8. Ravi Venkata Mohan Rao,

S/o Late R. V. Subba Rao
Aged about 64 years,
Retd. Senior Goods Driver,
SC Railway Vijayawada,
R/o 4th Lane,
Kakumanu Vari Thato
Plot No. 404, Guntur 522002

9. G. Mohan Rao, S/o Somaiah,
Aged about 69 years,
Retd. Goods Driver,
SC Railway Vijayawada,
R/o D. No. 12-17-83/6, Sontivari Street,
8th Ward, Repalli A.P.
10. Ch. Mariya Dass., C/o Ch. Balaswamy,
Aged about 63 years,
Retd. Senior Shunter (Driver),
SC Railway Vijayawada
R/o. D. No. 19-7-117/A,
Kamsalipet, Near Nizam Gate,
Vijaywada.
11. T. Malikajuna Rao, S/o TAdinarayana,
Aged about 68 years,
Retd. Passenger Drive,
SC Railway Vijayawada
R/o D. No. 20-8-114, Ayodyanagar,
Vijayawada- 520003.
12. B. Yesuratnam, S/o B. Devasigamony,
Aged about 65 years,
Retd. Senior Goods Driver,
SC Railway, Vijayawada,
R/o D. No. 6-7-1/9, Shantinagar,
1st Lane, Guntur.
13. K. Venkaiah, S/o Chennaiah,
Aged about 71 years,
Retd. Senior Goods Driver,
SC Railway Vijayawada,
R/o Brahmamgari Street,
Bogole Village, Bitragunta 524142
14. M. Anjaneylu,
S/o Late M. Hanumanthudu,
Aged about 66 years,
Retd. Senior Goods Driver,

SC Railway, Guntur,
C/o R. V. Mohan Rao,
Iragula Palle Enclave,
Kakumanawari Thota, Guntur.

15. N. Balaji Singh,
S/o N. Chain Singh,
Aged about 68 years,
Retd. Goods Driver,
SC Railway Vijayawada,
R/o D. No. 2-1-57, Raja Street,
Bogole Village, 524142.

...Applicants

(By Advocate : Mr. P. S. Rama Chandra Murthy)

VERSUS

1. The Union of India, Rep. By Chairman, Railway Board and Ex Officio Principal, Secretary, Government of India, Ministry of Railways, Rail Mantralaya, New Delhi – 110001.
2. The Union of India, Rep. By Principal Secretary, Ministry of Personnel, Pensioners Grievances, And pensions, Department of Pension And Pensioner's Welfare Government of India, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
3. The Union of India, Rep. By the General Manager, South Central Railway, Rail Nilayam, Secunderabad – 500071 (As owner and Administrator of South Central Railway Zone).
4. The Chief Personnel Officer,

South Central Railway,
Rail Nilayam,
Secunderabad.

5. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada – 520001.
6. The Senior Divisional Personnel Officer,
South Central Railway,
Guntur.

...Respondents

(By Advocate : Mr. Krishna Kumar)

4. O.A No. 3802/2014

1. National Forum of Railway Congressmen,
Regd No. 57/81)
Rep. By Mr. KSN Murthy, Zonal President,
(South Central Railway Zone)
D. No. 21-11/11-8, Madhuranagar,
Vijayawada – A.P.
2. Ch. Saibaba, S/o Rangaswamy,
Aged about 69 years,
Occ : Mail/Express Railway Guard (Retd.)
SC Railway Vijayawada
R/o D. No. 16-6-6B, Gantivari Street,
Poonamandampet Vijayawada – A.P.
3. Yerramsetti Sai Ram, S/o Appalla Swamy,
Aged about 64 years, Mail Guard (Retd.),
R/o D. NO. 6-13-70, Near Aruna Colony, ‘
GollapalemGattu, Kothapeta, Vijayawada.
4. K. Joga Rao, S/o Appanna,
Aged about 69 years, Mail Guard (Retd.)
R/o D. NO. 20-74, Kothapeta,
Yellamanchili, Vizag.
5. D. Purnachandra Rao, S/o Venkata
Swamy,
Aged about 70 years, Mail Guard (Retd.)
R/o D. No. 7-202 B, Srinagar Colony,
Totlavallur Road, Vuyyru, Krishna District.

6. P.V. AppaRao, S/o Narsimham,
Aged about 69 years, Mail Guard (Retd.)
SC Railway, Guntur Division,
R/o D. 236/C, Railway Quarters,
Medical College Road, Guntur 522204.
7. Syed KhasimSaheb, S/o Ismail,
Aged about 67 years,
Retd. Senior Passenger Guard,
Vijayawada Division, SC Railway,
R/o D. No. 8-33-172, Near Nizam Gate,
Foremen Bungalow Road, Vinchpet,
Vijaywada.
8. L. Vallaiah, S/o. Venkateshwarlu,
Aged about 68 years,
(Retd.) Senior Goods Guard, SC Railway,
R/o D. No. 11-120-B, Kothapeta,
VettapalemMandal, Prakasam
District- A.P.
9. D. Penchaiah, S/o Penchallaiah,
Aged about 70 years,
(Retd.) Mail Driver, Vijayawada Division,
R/o D. No. 21-45, Raja Street,
Bogole (Village), Bitraguntta, 524142.
10. B. RamBabu, S/o Ramulu,
Aged about 70 years,
Retd. Mail Driver, SC Railway Vijayawada,
R/o D. No. 43-131-2, KL Rao Road,
New AjitSingh Nagar, Vijayawada – A.P.
11. G. A. JayaRaju, S/o G. Raja Ratnam,
Aged about 66 years,
(Retd.) Mail Driver, SC Railway Vijayawada
R/o D. No. 21-31-57-K
D- Block, 1st Floor, Saidurga Towers,
ChintaChettu Street, Ayodhayanagar,
Vijayawada – 520003.
12. S. SambasivaRao, S/o S. BrahmajiRao,
Aged about 69 years,
(Retd.) Mail Driver, SC Railway Vijayawada,
R/o D. No. 23-33-19,
Ramakrishna Enclave,
Near Amali School, MutyalamPadu,
Vijayawada.

13. B. SubbaRao, S/o Laxmaiah,
Aged about 69 years,
(Retd.) Mail Driver , SC Railway
Vijayawada,
R/o Flat No. 503, SreeSree Heights,
BaghAmeeri, Ramalayam Road,
Kukatpally, Hyderabad.
14. S. A. Jaleel, S/o Syed Mahboob,
Aged about 69 years,
(Retd.) Mail Driver, SC Railway Vijayawada
R/o 17-3-1/A, KP Vari Street,
Poornanandampet, Vijayawada 520003
15. M. KrishnaBabu,
S/o M. Naga Bhushanam,
Aged about 68 years,
(Retd.) Mail Driver, SC Railway Vijayawada,
R/O D. No. 17-24-16, Peetzonipet,
Vijayawada
16. M. Adinarayana, S/o M. Subbanna,
Aged about 70 years,
(Retd.) Mail Driver, SC Railway Vijayawada
R/o D. No. 20-6-3/36,
AnkammaTalli Street,
Ayodyanagar, Vijayawada.

...Applicants

(By Advocate : Mr. P. S. Rama Chandra Murthy)

VERSUS

1. The Union of India, Rep. By Chairman,
Railway Board and Ex Officio Principal,
Secretary, Government of India,
Ministry of Railways, Rail Mantralaya,
New Delhi – 110001.
2. The Union of India,
Rep. By Principal Secretary,
Ministry of Personnel, Pensioners Grievances,
And Pensions, Department of Pension
And Pensioner's Welfare
Government of India, 3rd Floor,
Lok Nayak Bhawan, Khan Market, New Delhi.

3. The Union of India,
Rep. By the General Manager,
South Central Railway, Rail Nilayam,
Secunderabad – 500071
(As owner and Administrator of South Central
Railway Zone)
4. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad-500071
5. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada - 520001
6. The Senior Divisional Personnel Officer,
South Central Railway,
Guntur.

...Respondents

(By Advocate : Mr. Krishna Kumar)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

This batch of four O.As is filed by separate Associations of the Railway Employees of various Divisions of South Central Railways. In addition to the Association, the individual members of the Association also figured as applicants. They are the Running Staff i.e., Drivers and Guards working in the various Divisions. All of them retired from service between 01.04.2004 and 31.12.2005. The Association made representations to the Railway Administration to the effect that 30% allowance, which is

provided to the Running Staff deserves to be treated as part of the basic pay, and in the context of reckoning pension of the Running Staff, that component is not taken into account. Grievance was also made about the difference in pension, compared to those who retired after 1.1.2006.

2. On consideration of the representation, the Ministry of Railways passed an order dated 12.06.2014 stating that the request of the applicants cannot be acceded to. It was also mentioned that the difference of the pension paid to the employees who retired after 01.01.2006 is on account of the implementation of the 6th Pay Commission recommendations.

3. These O.As are filed seeking directions against the respondents to include 30% basic pay, in addition to the other components as constituting basic pay for the purpose of computing the pension.

4. The applicants contend that they are Running Staff and constitute a special category in the Railway administration, and recognising their arduous duties, 30% allowance is provided to them by treating it as part of the basic pay itself. They submit that though, it was required to be merged into basic pay, the administration has omitted the same, at the time of reckoning the pensionary benefits.

5. The respondents filed counter affidavit opposing the O.A. According to them, the Rule 1303 of Indian Railway Establishment Code (IREC) defines the Pay and since the 30% of the Running Allowance does not constitute that, it could not be added. Reliance is also placed upon the Running Allowance Rules wherein it was clearly mentioned, in the context of retirement benefits, 55 % of the basic pay shall be taken into account, instead of 30% Running Allowance.

6. The applicants filed rejoinder denying the contentions of the counter affidavit. Further, a copy of the order dated 16.11.2015 passed by the General Manager, Northern Railway is filed. According to that, Running Allowance shall also constitute a component, for reckoning the pension.

7. Through M.A No. 3718/2017, the respondents filed a copy of the letter dated 28.10.2016 issued by the General Manager, Northern Railway which is to the effect that the order dated 16.11.2015 has been withdrawn.

8. We heard Mr. P. S. Rama Chandra Murthy, learned counsel for applicants and Mr. Krishna Kumar, learned counsel for respondents in detail.

9. The applicant No.1 in all the four O.As are Associations and the other applicants in the O.As are the Running Staff i.e., Drivers and Guards, who retired between 01.04.2004 and 31.12.2005 in the various divisions of South Central Railways. The copies of the orders sanctioning pension are also filed. A typical order of pension contains the following elements :-

1. Average emoluments
2. Basic pension (pay less 55%/ $2 \times$ Net Q.S/33 (For running staff)
3. Amount offered for commutation
4. Lump sum commuted pension
5. Residual pension
6. Clause 6 deals with the retirement gratuity

10. The applicants contend that 30% allowance, which is sanctioned to them, is taken into account for calculating the retirement gratuity but, it is not made a component of basic pay in the context of calculating the pension.

11. The IREC is a compendium of different service rules that are applicable to the employees of the Railways. Chapter IX thereof is a set of rules known as "Running

Allowance Rules.” The categories of employees that are entitled for being extended the benefit of Running Allowance is defined in detail under various clauses. Clause 924 deals with the extent of allowance as well as the manner in which it is to be applied. It reads as under :-

“924. Reckoning of Running Allowance as pay :

- (i) 30% of the basic pay of running staff shall be reckoned as pay for the following purposes :
 - (a) Entitlement of Passes and P.T.O.s.
 - (b) Medical Attendance and Treatment
 - (c) Educational assistance
 - (d) Fixation of pay in stationary posts.
 - (e) Compensatory (City) Allowance,
 - (f) House Rent Allowance.
 - (g) Entitlement to quarter.
 - (h) Recovery of rent for quarters.
 - (i) Dearness Allowance/Addl. Dearness Allowance.
 - (j) Overtime Allowance,
 - (k) Leave Salary
- (ii) For the purpose of educational assistance, 30% of the basic pay shall be reckoned as pay for determining the eligibility for all the scheme of assistance given to Railway employees for the education of their children/ward viz. reimbursement of tuition fees, children's educational assistance and subsidized hostels.
- (iii) For the purpose of retirement benefits, 55% of basic pay shall be taken into account in the case of running staff retired/retiring on or after 1.4.1979. 55% of basic pay shall also be reckoned as pay for the purposes of recovery of subscription towards Provident Fund.
- (iv) When running staff are on leave (including casual leave) they shall be paid their leave salary based on their basic pay plus 30% thereof and the other allowances including Dearness Allowance/Addl. Dearness Allowance due on such basic pay plus 30% thereof.
- (v) For the purpose of deduction of Income-Tax, 30% of the actual Running Allowance earned by the running staff shall be reckoned as pay and the balance 70% of the Running Allowance shall be exempted under section 10 (14) of the Income-Tax Act, 1951, with

effect from the financial year 1982-83 (Assessment year 1983-84).

(vi) The pay element in Running Allowance viz., 30% of basic pay is also reckoned as pay for the purpose of grant of Interim Relief in terms of Board's letter No. PC-III-83/PC-IV/3(IR) dated 02.08.1983."

12. From a perusal of this, it becomes clear that 30% of the basic pay of Running Staff shall be reckoned as pay for the limited purpose mentioned therein. It is not as if the rules are silent as to the relation of the 30% basic pay to the pensionary benefits. Sub Clause (iii) of Rule 924, which is extracted above, is to the effect that for the purpose of retirement benefits, 55% of the basic pay shall be taken into account for Running Staff. It means that, as against 30% of the basic pay, 55% thereof shall be taken into account for the purpose of pension. In other words, the benefit far exceeding 30% is conferred upon the Running Staff, in the context of reckoning of pension.

13. In the counter affidavit, the manner in which the pension of each and every applicant is reckoned, has been explained. In this case of applicant no. 6, in O.A No. 3799/2014, the particulars are furnished as under :-

“01. Average Emoluments as on 31.07.2005	
(a) Basic Pay	- Rs.10370
(b) Dearness Pay	- Rs. 5185
(c) 55% of Pay element of Running Allowance	- Rs. 8555

	Rs.24110

02. Pension formula (Half of the emoluments * Net Qualifying service/33)

Therefore the applicant's pension is

{Emoluments = [(pay + 55% of pay)/2} * (Net Q.S/33)} =
Rs.12055"

14. It is clearly evident that the basic pay, the ordinary Dearness pay, and 55% of the pay element of Running Allowance has been taken into account. If the contention of the applicants is to the effect that the 30% of the basic pay shall be taken into account for the purpose of determining pension, naturally, one has to take away the component 'C' of the calculation made above. It would run detrimental to the interest of retired staff.

15. On earlier occasion proceedings, were instituted before this Tribunal by filing O.A No. 1613/2006 the same was disposed of on 24.05.2007 as being bereft of any merit. That was followed by O.A No. 2615/2012 that also was dismissed on 28.01.2014.

16. The applicants sought to buttress their contention, by filing an order dated 16.11.2015 issued by the General Manager, Northern Railway. A perusal of the same discloses that in addition to 55% component of the Running staff, the 30% of the basic pay was also added. However, within less than one year i.e., on 28.10.2016, the same was withdrawn. The respondents have filed copy of the same.

17. The applicants are not able to demonstrate that at any point of time, the pension of the Running Staff was reckoned by including 30% of the allowance.

18. We do not find any merit in the O.A and the same is dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/