

**Central Administrative Tribunal
Madras Bench**

OA/310/00002/2016

Dated Friday the 29th day of March Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. T.Jacob, Member(A)

G.Rajendran
Senior Canteen Manager(Retd.),
No.23/1, Gopal Street,
Vysarpadi, Chennai 600 039. .. Applicant
By Advocate **M/s.S.Shinu**

Vs.

1. The Union of India, rep by its
General Manager,
Southern Railway,
Chennai 600 003.
2. The Chief Personnel Officer,
Head Quarters Office,
Southern Railway,
Chennai 600 003.
3. Chief Workshop Manager,
Loco Works,
Ayanavaram,
Chennai 600 023. .. Respondents

By Advocate **Dr.D.Simon**

ORAL ORDER

[Pronounced by Hon'ble Mr.T.Jacob, Member(A)]

The applicant has filed this OA seeking the following relief:-

“To direct the respondents to rectify the error based on wrong calculation of qualifying service of the applicant and revise the terminal benefits viz., DCRG and pension by calculating the qualifying service from the date of empanelment of the applicant that is from 01.6.1979 instead from 01.4.1990 in view the Supreme Court Judgment regarding Canteen Employees-Extension of Pensionary and S.R.P.F benefits and the Railway Board letter dated 19.11.1990 and accordingly arrange for the early payment of the arrears of terminal benefits including revised D.C.R.G pension and other attendant benefits, and pass such further or other orders as this Tribunal may be pleased to deem fit and proper in the facts and circumstances of the case and thus render justice.”

2. Upon notice, the respondents have entered appearance and filed the reply statement wherein para-9 reads as follows:

"9.in the representation dated 12.12.2014 (Annexure A-10 herein) the applicant has stated that he is not asking for revision of pension but only revision of DCRG benefits. On verification of his settlement records it was noted that his total qualifying service was calculated from 01.4.1990 to 31.5.2014 as 24 years. Accordingly the issue was re-examined and total qualifying service from 01.6.1979 to 31.5.2014 was assessed as 35 years. The only left over retiral benefit due to the revised qualifying service viz., difference in DCRG payment of Rs.1,54,080/- was credited to bank account of the applicant viz., S.B.Account No.60112180002406, Syndicate Bank, Triplicane Branch, Chennai 600 005 on 08.9.2016. There is no change in the quantum of pension payable to the applicant due to the revised qualifying service from 24 years to 35 years since the applicant had already acquired the minimum qualifying service of 20 years for grant of maximum pension and he was paid the same."

Therefore, as the relief claimed by the applicant has been granted, nothing survives in the OA and hence they prayed for dismissal of the OA.

3. When the matter is taken up for hearing, learned counsel for the respondents submitted that the OA has become infructuous and the same may be dismissed by taking into consideration para-9 of the reply statement. Counsel for the applicant also accepted the same.

4. In view of the above submission, OA is dismissed as infructuous by recording Para 9 of the reply statement. However there will be no order as to costs.

(T.Jacob)
Member(A)
29.03.2019

/G/