

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

Original Application No.21/612/2018

Date of Order: 27.06.2019

Between:

1. Y. Marianna, S/o Y. Joeseeph, aged about 61 years
Retired Chief Loco Inspector (Electrical), Group `C`
Secunderabad Division, Secunderabad and now
Resident of H.No.1-2-47/40 and 41, Flat No.202
Suvanpride, Nizampet Road, Hydernagar
Hyderabad – 500 085.

2. Ravindra David, S/o Late S. David, aged about 61 Years
Retired Chief Loco Inspector and Group `C`
Now Resident of H.No.3-55/1, Flat No.203, Sai Rama Chandra Mansion
Hanuman Nagar, Chaitanyapuri
Hyderabad. ... Applicants

AND

1. Union of India, rep by the General Manager
South Central Railway, Rail Nilayam
Secunderabad.

2. The Chief Personnel Officer, Rail Nilayam
S.C.Railway, Secunderabad.

3. The Divisional Railway Manager,
South Central Railway,
Secunderabad Division,
Secunderabad. Respondents

Counsel for the Applicant ... Mr. K. Venkateswara Rao

Counsel for the Respondents ... Mr. D. Madhava Reddy, SC for Railways

CORAM:

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

ORAL ORDER

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

2. The OA is filed to declare that the applicants are entitled for the Add on element of 55% on par with Loco Running Staff in fixing the retiral benefits of the applicants from the date of their retirement in terms of Judgements in OA No.1273/2005 dated 02.01.2007 and OA No.396/2006 dated 5.6.2007 of the Principal Bench of this Tribunal and also in terms of the orders dated 16.08.2012 in OA No.511/2011 of Hyderabad Bench of this Tribunal and consequently direct the respondents to recalculate the pensionary and other retirement benefits from the date of their retirement and pay those benefits to them.

3. Heard both the learned counsel and perused the pleadings on record.

4. At the very outset, the learned counsel for the applicants submit that the aforesaid issue is no more *res-integra* having been laid down and attained finality in catena of Judgements delivered by this Tribunal and

various Benches of this Tribunal. As the claim of the applicants is similar to the claim made in those Judgements, viz., in OA Nos.1273/2005, dated 2.7.2007, OA No.396/2006 dated 5.06.2007 of the Principal Bench of this Tribunal and OA No.511/2011 dated 16.08.2012 and OA No.574/2013, dated 6.11.2013, applicants sought for extension of the same to them.

5. The learned counsel for the respondents while opposing the relief claimed in the OA, however, conceded, at the Bar, that the claim of the applicants is similar to the decision of this Tribunal in OA No.511/2011, dated 16.08.2012. The operative portion of the OA No.511/2011 dated 16.08.2012 is extracted below:

“7. In the result, this O.A. is allowed by directing the respondents to refix the pay of the applicants on par with the applicants in disposed of matters viz., O.A.No.1273 of 2005 before the C.A.T. Principal Bench, New Delhi and O.A.Nos.676/2010, 1188/2010 and 1189/2010 before the C.A.T., Madras Bench by taking into consideration 55% of add-on element of basis pay instead of 30%. However, we make it clear that this order will be subject to the result of SLP No.11808/2009 pending before Hon’ble Apex Court and shall be implemented only after a final decision is taken by the Hon’ble Apex Court in the said SLP.”

6. Further, the learned counsel for the respondents has brought to our notice and submits that recently the Principal Bench of this Tribunal, passed an order, in OA No.1042/2016, dated 02.04.2019, wherein it was

brought to the notice of the Bench that in the recent past, the matter was 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), which is pending for adjudication.

7. In view of the above circumstances, the OA is to be disposed of with a direction to the respondents to refix the pay of the applicants on par with the applicants in OA 574/2013, dated 6.11.2013 of this Tribunal by taking into consideration 55% of add on element of basic pay instead of 30%. However, we make it clear that, the disposal ordered will be subject to outcome of the SLP(C) CC No.(s)4758/2016 (Civil Appeal No.3110/2016), Civil Appeal No.5666/2017 and Civil Appeal No.4386/2016, stated to be pending for adjudication before the Hon'ble Supreme Court, and shall be implemented after a final decision is taken by the Hon'ble Apex Court in the said Civil Appeals.

With the aforesaid directions, the OA is disposed with no order as to costs.

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

Dated, the 27th day of June, 2019

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