

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

O.A. No.021/00861/2018

Date of Order : 24.04.2019.

Between :

O.N.Raju, s/o late O.Sriramulu,  
Aged about 52 yrs, Occ:Mail/Express Guard,  
Secunderabad Division, O/o Station Manager/  
Gazetted, South Central Railways, Secunderabad,  
r/o Plot No.40, Anand Bagh, Saphilguda,  
Secunderabad-500 047.

...Applicant

And

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

2. The Divisional Railway Manager,  
South Central Railway, 4th Floor,  
Sanchalan Bhavan, Secunderabad.

3. The Additional Divisional Railway Manager (G),  
South Central Railway, Sanchalan Bhavan,  
Secunderabad.

... Respondents

Counsel for the Applicant

... Dr.A.Raghu Kumar

Counsel for the Respondents

... Mrs.Vijaya Sagi, SC for Rlys.

**CORAM:**

**THE HON'BLE MR.V.AJAY KUMAR, MEMBER (JUDL.)**

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**ORAL ORDER**

(As per Hon'ble Mr.V.Ajay Kumar, Member (Judl.))

The applicant, who was compulsorily retired from service while working as Mail/Express Guard with full pensionary benefits, vide Appellate Authority's order dated 08.12.2016, filed the present OA seeking the following reliefs:

“To declare the inaction of the respondents in granting pension and pensionary benefits even though the applicant was compulsorily retired w.e.f. 26.07.2016 with full pensionary benefits without any valid reason as illegal, arbitrary, violative of Articles 14, 16 and 21 of the Constitution of India and rules on the subject matter and consequently direct the respondents to release the pension and pensionary benefits with interest of 18% on delayed payment in the interest of justice.”

2. In short, the applicant is seeking a direction to the respondents to grant pension and other pensionary benefits entitled to him as per the said orders of the Appellate Authority dated 08.12.2016.

3. The respondents filed a reply statement, whereunder they have categorically stated in Para 12 that “there is no dispute as to the entitlement of pension and pensionary benefits to the applicant”. However, the respondents submit that in view of the orders passed by Family Court Judge at Secunderabad in M.P.No.184/2016 in M.P.No.65/2014 in M.C.No.65/2013, dated 23.11.2016, filed by the wife and the minor

daughters of the applicant, whereunder they were directed to deposit an amount of Rs.2,01,000/- in the Bank account of the Petitioner No.1 therein i.e., the wife of the applicant from out of the retirement benefits of the Respondent No.1 (Applicant in the instant OA), and withhold the remaining pensionary benefits of the Respondent –I (Applicant in the instant OA) until further orders of the Court”, they were unable to process the pension and pensionary benefits of the applicant and take any steps thereon.

4. Heard Dr.A.Raghu Kumar, learned counsel for the Applicant and Mrs.Vijaya Sagi, learned standing counsel for the Respondents, and perused the pleadings on record.

5. It is not in dispute that a competent Court of law i.e., Family Court Judge at Secunderabad in M.P.No.184/2016, vide its order dated 23.11.2016, directed the respondent-Railway to deposit an amount of Rs.2,01,000/- in the Bank account of the wife of the applicant and also directed them to withhold the remaining pensionary benefits until further orders from the said Court. It is also not in dispute that the said order is still subsisting as on today. In the circumstances, we do not find any irregularity in the action of the respondents in not processing the pensionary benefits of the applicant.

6. Accordingly and in the circumstances, we do not find any merit in the OA and the same is dismissed. However, this order shall not preclude the applicant from approaching the competent Court of law and obtain appropriate orders for vacation/modification/set aside of any orders passed against him in accordance with law. If the applicant produces any such orders, the respondents shall process the pension and other benefits of the applicant and release the same within a reasonable period. There shall be no order as to costs.

**( V.AJAY KUMAR )**  
**MEMBER (JUDL.)**

Dated: this the 24th day of April, 2019  
Dictated in the Open Court

DSN.