

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**ORIGINAL APPLICATION Nos.020/00652/2017, 020/00653/2017,
020/00654/2017, 020/00655/2017, 020/00656/2017, 020/00657/2017,
020/00658/2017, 020/00659/2017, 020/00660/2017, 020/00661/2017, and
020/00662/2017**

DATE OF ORDER: 4TH APRIL, 2019

Between

K.INNAIAH, S/o Balaswamy,

Age 62 years,

Occupation: SR. Passenger Guard, Retd,

R/o. D.No.17-22-28, RCM Church Road,

Near Lakshmi Narayana Swamy Temple,

Heart Peta, Vijayawada-520003

... Applicant in OA 020/00652/2017

B.RODGERS, S/o N.Rodgers,

Age 65 years,

Occupation: Sr. Shunter, Retd,

R/o. D.No.1/45-P-1, Kartikeya Nagar,

Hukumpeta, Rajahmundry 533107,

... Applicant in OA 020/00653/2017

SYED AHMED ALISHA, S/o Syed Mahboob,

Age 63 years,

Occupation: Sr. Passenger Guard, Retd,

R/o. D.No.19-14-14, Old R.R.Peta,

Vijayawada-1

... Applicant in OA 020/00654/2017

M.RAJABABU, S/o Anjaiah,

Age 65 years,

Occupation: Mail Guard, Retd,

R/o. C/o Kaja Adinarayana,

D.No.37-1-27, John Street,

Badava Peta, Vijayawada-520010

... Applicant in OA 020/00655/2017

M.SAIBABU, S/o Apparao,

Age 58 years,

Occupation: Sr.Assistant Loco Pilot, Retd,

R/o. D.No.3-1174, Adarsh Nagar,

Ashoka Street, Hukumpet,

Rajahmundry.

... Applicant in OA 020/00656/2017

A.KATA RAJU, S/o A.Peraiah,
Age 58 years,
Occupation: Sr. Asst. Loco Pilot, Retd,
R/o. D.No.2-4-0-14, I.L.T.D.Junction,
Alcot Gardens, Ward No.17,
Rajahmundry.

... Applicant in OA 020/00657/2017

G.M.B.KOTESWARA RAO, S/o Kotaiah,
Age 64 years,
Occupation: Mail Guard, Retd,
R/o. D.No.56-1-5(41,41),
Near Railway South Gate,
Balaji Nagar, Ongole,
Prakasam District 523001,

... Applicant in OA 020/00658/2017

S.JAMES SHEPHERD, S/o S.Jesudas,
Age 63 years,
Occupation: Sr. Goods Guard, Retd,
R/o. D.No.8-7-23, Plot No.403,
AV Apartments, Balajiraopet,
Tenali, Guntur District 522202

... Applicant in OA 020/00659/2017

G.NATHANIEL, S/o Aseervadam,
Age 58 years,
Occupation: Goods Driver, Retd,
R/o. D.No.14-1804, Dolas Nagar,
Tadepalli, Guntur-522502

... Applicant in OA 020/00660/2017

K.KRUPANANDAM, S/o Subbaiah,
Age 65 years,
Occupation: Goods Guard, Retd,
R/o.Kavali, Chevurivarithota,
Nellore District

... Applicant in OA 020/00661/2017

P.KOTESWARA RAO, S/o Pandurangarao,
Age 60 years,
Occupation: Loco Pilot (Goods), Retd,
R/o. D.No.3-382,Savitri Nagar,
Hukumpeta, Rajahmundry Rural-5331-7

... Applicant in OA 020/00662/2017

AND

1. Union of India rep. by
Its General Manager,
South Central Railway,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada,
4. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada, ... Respondents

Counsel for the Applicant : Mr. K.S.MURTHY
Counsel for the Respondents : Mr. S.M. Patnaik, SC for Rlys.

CORAM :

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

ORAL (COMMON) ORDER

Since the facts and the issue to be decided are one and the same in the OAs, they are disposed of by a common order.

2. The applicants while working in South Central Railway, were decategorised after verification of their health condition. However, even before any alternative employment was provided to them, they took voluntary retirement and they are being paid pension. They contend that since they took voluntary retirement while in service, they are entitled to be paid the higher emoluments by adding 55% of basic pay, as is done in case

of employees who attained the age of superannuation. Reliance is placed on an order dated 22.03.2017 passed by this Tribunal in O.As No.1362 & 1417/2015.

3. The respondents filed a detailed counter affidavit opposing the O.A. It is stated that the applicants are not entitled to the benefit of addition of 55% of basic pay and dearness allowance since they did not retire in the usual course, on attaining the age of superannuation. Various other contentions are also urged.

4. We heard Shri K.S.Murthy, learned counsel appearing for the applicants and Sri S.M. Patnaik, learned Standing Counsel appearing for the respondents.

5. The very question, which arises for consideration in these O.As was dealt with in detail by this Tribunal in O.As No. 1362 & 1417/2015. It was held that the applicant therein was entitled to be extended the benefit of addition of 55% of basic pay, after deducting the pay element of fixation benefit already granted. It is brought to our notice that the order in the O.As was upheld by the Hon'ble High Court of Judicature at Hyderabad in W.Ps. No.27894 &27895/2017 vide judgement dated 16.10.2017. Learned counsel for the respondents states that SLP (C) No.9825-9826/2018 is filed before the Hon'ble Supreme Court against the judgement of the High Court.

6. Having regard to the facts and circumstances of the case, we allow the O.As in terms of the direction issued in O.As No. 1362 & 1417/2015, namely that the respondents shall compute the pension and pensionary benefits of the applicants, duly taking into account, the 55% of basic pay

drawn by them, after deducting the pay element fixation benefit already granted to them and pay the arrears of gratuity from the date on which they were permitted to take voluntary retirement from service. This however, shall be subject to the result in the SLP (C) No.9825-9826/2018 filed against the judgement of the High Court. There shall be no order as to costs.

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

vsn