

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2578 of 2016
Date of Decision: February 09, 2016

The Divisional Railway Manager, Northern Railways
....Petitioner

versus

Babu Masih and anotherRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present: Mr.Yogesh Putney, Advocate, for the petitioner.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The challenge laid herein is to the order dated 26.10.2015 passed by the Central Administrative Tribunal, Chandigarh Bench whereby Original Application filed by the respondent has been allowed and a direction has been issued to the petitioner to release his pension by treating his last pay as Rs.16,130/- in the pay-scale of Shunting Master and not as Rs.14530/- of the lower post of Cabin Man. The Tribunal has held the respondent entitled to the aforesaid relief on the premise that; (i) the reversion order dated 02.02.2011 was never received by the respondent; (ii) the reversion order was never given effect; (iii) the respondent continued to serve on the post of Shunting Master till his retirement on 30.04.2014 and (iv) he is entitled to the retiral benefits on the basis of last pay drawn, hence the respondent (present petitioner) has

wrongly reduced and fixed his pension in the lower pay-scale.

Some of the material factual conclusions drawn by the Tribunal are being seriously disputed by the petitioner. According to the petitioner-authority, (i) the respondent was fully aware of the reversion order dated 02.02.2011; (ii) the mistake was rectified before his retirement vide order dated 08.04.2014 which has never challenged and (iii) there was alleged collusion and connivance with the ministerial staff for which the disciplinary action has been taken.

Since the contentions have been raised to draw an inference as if the Tribunal has committed an error which is apparent on the record, we decline to entertain this petition at this stage and relegate the petitioner-authority to approach the Tribunal by way of an appropriate petition.

Ordered accordingly.

[SURYA KANT]
JUDGE

February 09, 2016
mohinder

[RAJ MOHAN SINGH]
JUDGE