

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2830 of 2017

Union of India, through the General Manager, Central Railway, Mumbai, and another
Versus
Hariprasad Brijlal Bajpai, Nagpur.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri P.S. Khubalkar, Advocate for Petitioners.
Sshri A.A. Naik, Advocate for Respondent.

Coram : R.K. Deshpande & Vinay Joshi, JJ.
Dated : 21st January, 2019

The Central Administrative Tribunal in its decision rendered in Original Application No.2175 of 2015 has held that the applicant/respondent's prayer for fixation of his pension at the basic pay of Rs.8,500/- is justified. According to Shri Khubalkar, the learned counsel appearing for the petitioners, the pay of the respondent was required to be fixed in the Department where he has sent on deputation.

We have seen the office order dated 11-2-1998, where it is clearly expressed that the respondent had opted for pay-scale of his parent Department during his deputation in C.B.I. If, according to the petitioner, the pay of the respondent was wrongly fixed at Rs.7,100/- as on 3-9-1997, then under Rule 79(1)(b)(iii) of the Railway Service (Pension) Rules, 1993, the petitioner cannot reopen the mistake beyond the period of

twenty-four months.

In view of this, we do not find any error in the decision rendered by the Tribunal. The petition is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)

Lanjewar