

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No.E(P&A)II-2010/RS-38


New Delhi, dated 13-06-2014.

The General Manager(P),
All Zonal Railways.

Subject: Payment of retiral benefits to running staff- Judgement of the Hon'ble Supreme Court in SLP (C) No. 16207 of 2010 in case of J.S. Chouhan and Ors. Vs. UOI.

The SLP bearing Civil Appeal No. 5444/2014- arising from SLP © No. 16207/2010 in the matter of Shri J.S. Chouhan & Ors Vs. Union of India & Ors. came up for hearing on 5th and 6th May, 2014 before the Hon'ble Supreme Court. After arguments, the appeal of Shri Chouhan has been dismissed by the Hon'ble Supreme Court in their Order dated 6th May, 2014. A brief on the case and a copy of the order are enclosed herewith for circulation to all concerned for their information.

It is advised that if any similar issue is pending before any Court of Law on your Railway, the above position may be brought to their notice.


(K.Shankar)
Director, Estt.(P&A),
Railway Board

Copy to :- (i) FA & CAO of all Zonal Railways.

(ii) EDF(E), Railway Board.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5444 OF 2014

(Arising from SLP(C) No.16207/2010)

J.S. Chouhan and others

..Appellants

versus

Union of India and others

..Respondents

O R D E R

Leave granted.

The only contention advanced at the hands of the learned counsel for the appellants is based on Circular No.133/87 dated 26.5.1987/Circular No. 66/88 dated 16.3.1988/Advance Correction Slip No. 407R.II (Rule 2554) (Annexure P-1 Colly.).

Under the afore-stated Establishment Circulars and Correction Slip of Rule 2554, the appellants before this Court are entitled to Death-cum-Retirement Gratuity at the rate of 55% of basic average pay in the revised scale of pay drawn during the period.

The aforesaid claim made by the appellants, based on the above Circulars and Correction Slip, is admitted by the learned counsel representing the respondents. In order to substantiate that the payment at the rate of 55% has not been released to the appellants, reliance has been placed on Annexure A-1 appended to Interlocutory Application No. 5 of 2012, which indicates that 30% of running allowance has been released to the appellants.

Despite the aforesaid, it is sought to be

reiterated at the hands of the learned counsel representing the respondents, supported on the basis of affidavits filed in this Court, that, as a matter of fact, the appellants have been released gratuity by taking into consideration 55% of basic average pay in the revised scale of pay drawn during the period.

Since, the applicable circulars/rule is not in dispute and the only dispute is in respect of the actual quantum of the payment released to the appellants, we find no good ground to retain the instant civil appeal on the Board of this Court. The same is, accordingly, disposed of.

It shall be open to the appellants to move a representation to the competent authority, in case there is any deficiency in releasing of the aforesaid 55% of the basic average pay in the revised scale of pay drawn during the period, in which eventuality, the competent authority shall take a decision thereon in accordance with law.

The instant civil appeal is disposed of in the above terms.

.....J.
[JAGDISH SINGH KHEHAR]

NEW DELHI;
MAY 06, 2014.

.....J.
[V. GOPALA GOWDA]

ITEM NO.202

COURT NO.12

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16207/2010

(From the judgement and order dated 22/01/2010 in WPS No.3068/2009
of The HIGH COURT OF CHHATTISGARH AT BILASPUR)

J.S.CHOHAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents)

Date: 06/05/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. C. Murali Krishna, Adv.
for Mr. C. Balakrishna, AOR

For Respondent(s)

Mr. Mohan Jain, ASG
Mr. D.K. Thakur, Adv.
for Mr. Arvind Kumar Sharma, AOR

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
order.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Assistant Registrar

[signed order is placed on the file]