

Central Administrative Tribunal  
Principal Bench

O.A. No. 146 of 2001

New Delhi, dated this the 4<sup>th</sup> April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Suresh Chandra Agarwal,  
S/o Late Shri A.P. Agarwal,  
C/o Shri Sushil Kumar Gupta,  
House No. 98, near Kutab Hotel,  
Katwaria Sarai,  
New Delhi.  
(In person) ..Applicant.

Versus

1. The Commissioner of Income Tax,  
Meerut.
2. The Chairman,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Govt. of India,  
New Delhi.  
(By Advocate: Shri V.P.Uppal) .. Respondents.

ORDER

S.R. ADIGE, VC (A)

Heard both sides.

2. The only two claims pressed by applicant during hearing were

i) Fixation of pension @ Rs. 860/- p.m. w.e.f. 1.1.86, being 50% of average pay drawn at Rs. 1720/- p.m.;

ii) Fixation of pay w.e.f. 1.1.86 after counting of special pay of Rs. 35/- p.m. thereon, and recalculation and release of pension accordingly.

3. In so far as claim (i) above is concerned, we are satisfied that as per rules and instructions fixation of pension @50% of average pay w.e.f. 1.1.86 is admissible only when the Govt. employee has put in atleast 33 years service. As it

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is not denied that applicant has less than 33 years' service to his credit, his claim for fixation of pension @ Rs. 860/- w.e.f. 1.1.86 being 50% of average pay drawn of Rs. 1720/- p.m., is rejected.

4. In so far as claim (ii) above is concerned, if applicant makes a self-contained representation to respondents within 1 month from the date of receipt of a copy of this order, respondents should dispose of that representation by means of a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within 3 months from the date of receipt of the representation.

5. The OA is disposed of as above. No costs.

S. Raju

(Shanker Raju)  
Member (J)

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(S. R. Adige)  
Vice Chairman (A)

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