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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.48/2001

Wednesday, this the 10th day of January, 2001.

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Basant Kumar  
Husband of Late Smt. Prem Kumari  
R/O 5 N/28 A,  
NIT Faridabad, Haryana.

..Applicant.

(By Advocate: Shri S.Shukla)

VERSUS

1. The Commissioner,  
Kendriya Vidyalaya Sanghathan,  
(KVS) HQ,  
Shahid Jeet Singh Marg,  
16, Institutional Area, New Delhi.

2. Dy. Commissioner (Finance),  
Kendriya Vidyalaya Sanghathan,  
(KVS) HQ,  
Shahid Jeet Singh Marg,  
16, Institutional Area, New Delhi.

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. This is a case in which the legal heir of a deceased employee is claiming the benefit of arrears of pay and pension which had accrued to the deceased employee in consequence of the recommendations of the 5th Central Pay Commission. The relief <sup>cause</sup> inserted in the <sup>inter alia</sup> OA seeks the following set of reliefs:

"(i) Direct the Respondents to pay the arrears of pay and allowances in account of enhancement of salary/pay and allowances as recommended by the 5th Pay Commission for the period 1.1.86 to 9.5.97 along with leave encashment etc.

(ii) Direct the respondents to pay interest @ 18% on delayed payment on all the amounts payable to the applicant.

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(iii) Direct the respondents to revise the family pension with effect from 10.5.97.

(iv) Impose heavy costst on the respondents for their wilful illegal conduct of withholding payment of arrears of pay and allowances on account of 5th pay commission implementation."

3. The aforesaid dues cover the period from 1.1.86 to 9.5.97 on which date (the latter) the deceased employee expired while still in service. The learned counsel appearing for the applicant states that all the other financial benefits, except the aforesaid, have already ~~been~~ <sup>and have been paid</sup> accrued to the applicant. The applicant has been filing representations one after the other for the grant of aforesaid financial benefits. However, the respondents have not paid the amounts claimed by the applicant in the relief clause at no (i) and (ii) above.

4. After hearing the learned counsel and in agreement with him, I find that the requirements of justice will be fully met in this case if the OA is disposed of <sup>at its stage itself</sup> by directing the respondent No.2, Dy. Commissioner (Finance), Kendriya Vidyalaya Sanghathan, (KVS), New Delhi to work out deligently and promptly all the dues which the respondents owe to the applicant arising from the revision of pay and allowances made in consequence of the recommendations of the 5th C.P.C. keeping in view the claims made in the relief clause. <sup>The respondents also need to be directed for revise the family pension.</sup> The respondents are directed accordingly. They are further directed to pay the claims due to the applicant as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order. It is clarified that in respect of the ---claims not found tenable by the respondents, the

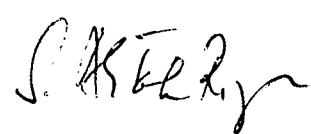
(A)

(3)

applicant will be afforded an opportunity of being heard before the orders are passed.

5. The OA is disposed of in the aforestated terms at the admission stage itself.

6. Registry is directed to send a copy of the OA along with this order.



(S.A.T. Rizvi)  
Member (A)

/sunil/