

Central Administrative Tribunal, Principal Bench

O.A.No.491/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 6th day of January, 1997

Shri Arjan Singh  
s/o late Shri Nanak Singh  
aged about 73 years  
r/o 6/2, Double Storey Quarters  
Prem Nagar  
Janakpuri  
New Delhi.

... Applicant

(By Shri S.S.Tiwari, Advocate)

Vs.

1. Union of India through  
Secretary  
Ministry of Defence  
South Block  
New Delhi.
  2. The Secretary  
Department of pension and  
Pensioners' Welfare,  
Ministry of Personnel, Training, Public  
Grievances & Pensions  
North Block  
New Delhi.
  3. Director General  
Ordnance Services  
Master General of Ordnance Branch  
Army HQ, DHQ  
New Delhi - 11.
  4. Commandant  
Central Vehicles Depot.  
Delhi Cantt.  
Delhi - 110 010.
- ... Respondents

(By Shri M.K.Gupta, Advocate)

O R D E R(Oral)

The applicant, who joined the Defence Service as Lower Division Clerk w.e.f. 223.7.1942 was absorbed permanently in the National Mineral Development Corporation Ltd. (NMDC Ltd.), a public sector undertaking w.e.f. 21.4.1966. He submits that, he was denied the benefits of pro-rata pension because he had been absorbed prior to 16.6.1967 i.e. the date on which the earlier O.M. providing for the pro-rata pension was issued by the Government of India. He further submits

de

9

that when he learnt that the Hon'ble Supreme Court, in a similar case, had allowed the request for grant of pro-rata pension, he sent a representation to the respondents on 26.2.1994 and also sent further reminders on 24.3.1994 and 6.8.1994 with a request that the benefit of Supreme Court's Judgment be extended to him. He is aggrieved that till date the respondents have not given any reply to his representation. This is more so because the respondents have themselves issued a Circular (Annexure 'D') dated 3.1.1995 whereby the benefit of pro-rata pension has been extended to all similarly situated persons.

2. The respondents in their reply have stated that since protracted correspondence is required with various outstation/hill station agencies, a decision will necessarily take time as each one of the concerned agencies. Notwithstanding the same they have stated that the case is being paid personal consideration.

3. I have heard the learned counsel on both sides. Since the representation was made in 1994, it should be possible for the respondents to come to a final decision in respect of the representation in a reasonable time now. I accordingly dispose of this OA with a direction that the respondents will take a final decision on the representation (Annexure A) and the related representations within four months from the date of the receipt of a copy of this order and in case the representation is allowed, to make the consequential payments to the applicant within two months thereafter. No costs.

Rk Ahuja  
(R.K. AHUJA)  
MEMBER(A)

/rao/