

(26)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 733 of 1997

New Delhi, this 15th day of September, 2000

Hon'ble Shri Govindan S. Tampi, Member(A)

Mrs. Indira Rani Chhibber  
W/o Sh. V.N. Chhibber  
6-B Nandgram, Ghaziabad,  
UP.

... Applicant

(By Advocate: Shri P.T.S. Murthy)

versus

The Director General  
Ordnance Services  
Master General Ordnance Branch  
Army Headquarters, DHQ P.O.  
New Delhi.

... Respondents

(By Advocate: Mrs P.K. Gupta, through proxy  
counsel Shri Anil Singhal.

ORDER(Oral)

By Shri Govindan S. Tampi, M(A)

Heard Shri P.T.S. Murthy, learned counsel for the applicant Shri Anil Singhal, learned proxy counsel for the respondents.

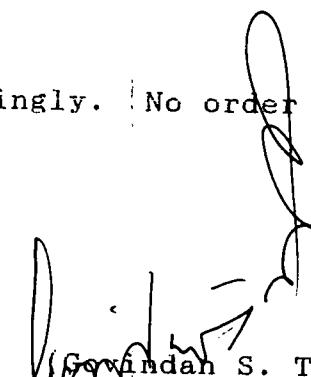
2. In this case what is sought for is the grant of pensionary benefits to the applicant who is the widow of Late V.N. Chibber who was working on different posts in Defence organisation from 1948-1971, when he put in his resignation. On a subsequent date he had requested for grant of pensionary benefits treating his resignation as voluntary retirement. The applicant pleads that her case was a harsh one. Her husband had quit service after serving in Defence for 24 years mainly because he became hard of hearing. She was suffering from chronic illness and they had three marriageable daughters totally dependent on them. So the only plea is for the payment of pension.

3. Contesting the plea on behalf of the respondents, learned counsel appearing for the respondents submitted that this is a case clearly covered by res-judicata as the relief claimed by the applicant has already been rejected by the Tribunal in earlier OA filed by him.

4. The learned counsel for the applicant submits that the earlier OA filed by the applicant's husband which was rejected by the Tribunal, was for treating his letter of resignation as for voluntary retirement, whereas the present OA has been filed for payment of pension and other benefits.

5. I have considered the matter. It is clear from the papers and also the rule that the applicant's husband having resigned on his own, before the voluntary retirement provision came into effect, he was not entitled for pension. However keeping in mind the hardship faced by the applicant, I advise the concerned Ministry to consider the case of the applicant if a representation is filed by her stating all the facts including her husband's having come to the Tribunal earlier and seek redressal and take a decision.

7. The OA is disposed of accordingly. No order as to costs.

  
Gowindan S. Tampli

Member (A)

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