

89

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. OA 270/1989

Date of decision: 15.2.90

Shri R.L.Garg

.....

Applicant.

Vs.

Union of India

....

Respondents

CORAM: HON'BLE MR. P.K.KARTHA, VICE CHAIRMAN
HON'BLE MR. D.K. CHAKRAVORTY, MEMBER

For the Applicant

.....

Applicant in person.

For the Respondents

.....

Shri P.H.Ramchandani,
Senior Counsel.

(Order of the Bench delivered by Hon'ble
Mr. D.K.Chakravorty, Member)

ORDER

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant who retired on attaining the age of superannuation on 30.6.1981 from the Armed Forces Headquarters, New Delhi, has prayed that he should be paid the pension admissible to him under the rules including the reliefs admissible from time to time. At the time of his retirement, he was sanctioned a sum of Rs.529 as pension and in addition he was also sanctioned relief on pension. The applicant states that after the Fourth Pay Commission recommendations were implemented by the Government, the respondents did not revise his pension and the relief admissible to him on such pension.

2. The applicant is presently staying at Noida and pursuant to the orders of this Tribunal his pension papers have been sent from the Treasury Office at Ghaziabad to the branch of the Punjab National Bank at Noida. His grievance is that he has still received only the pension which was sanctioned to him in 1981 at the time of his retirement without any relief on pension or without pension having been

15/2/90

revised pursuant to the recommendations of the Fourth Pay Commission. The Punjab National Bank, which is respondent No.5 herein, has filed the counter-affidavit from which it appears that a sum of Rs.1914.32 towards rent on accommodation allotted to the applicant has been recovered from the pension amount payable to the applicant in June 1989. In the absence of any clear directions from the Controller of Defence Accounts (Pension) Allahabad (respondent No.2 herein), the Punjab National Bank is not giving the pension at revised rates as well as the relief on pension. Respondent No.2 has not filed any counter-affidavit to this application. Shri P.H.Ramchandani, Senior Counsel for the respondents mentions that respondents have issued to the Manager, Punjab National Bank at Noida, necessary instructions vide their letter dated 1.11.1989 regarding payment of relief to the applicant. In the counter-affidavit filed by the Punjab National Bank, there is no mention of any such instructions having been received by them from the Controller of Defence Accounts (Pension), Allahabad.

3. The claim of the applicant is that he is entitled to receive pension to the extent of Rs.1799 p.m. including the relief on pension (basic pension of Rs.1342 plus dearness allowance of Rs.457). It is not clear as to what instructions the Controller of Defence Accounts (Pension) Allahabad has given to the Punjab National Bank at Noida. Since this relates to the case of a pensioner who retired from the Government service in 1981, we are of the opinion that no useful purpose will be served by delaying the matter any further. In the facts and circumstances of the case, we direct the applicant to make a representation to the Controller of Defence Accounts (Pension) Allahabad regarding his correct entitlement to pension and relief on

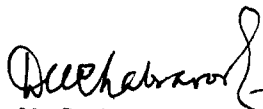
D
15/4/90

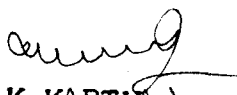
10/11

pension within two weeks from today's date. A copy of such a representation should also be given to Shri P.H.Ramchandani, Senior Counsel for the respondents. The Controller of Defence Accounts(Pension), Allahabad (respondent No.2) shall consider the representation of the applicant within six weeks after the receipt of the representation and issue clear instructions to the Punjab National Bank at Noida regarding the entitlement of the applicant to basic pension as well as the relief on pension as admissible under the rules. Respondent No.2 should comply with this order as expeditiously as possible but not later than six weeks from the date of communication of this order. We feel that in case some recoveries were to be made from the applicant on account of rent for Government accommodation, there was no justification to stop the payment of relief on pension on that score.

4. We make it clear that in case the applicant is still aggrieved by the decision taken by respondent No.2, he will be at liberty to file a fresh application in the Tribunal in accordance with law, if so advised. Application is disposed of accordingly. There will be no order as to costs.

5. A copy of this order be given to both the parties immediately.


(D.K.CHAKRAVORTY)
MEMBER
15-2-90


(P.K.KARTHA)
VICE CHAIRMAN
15-2-90