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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1799/88

Date of decision: 18.08.1993.

M.P.No.3512/92

Shri Hargyan

Applicant

versus

Union of India & Ors.

Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : Sh. S.P. Sharma, counsel

For the respondents : Sh. P.P. Khurana, counsel

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.)

It appears that one Sh. Hargyan S/o Sh. Chuttan was on or before 1.8.1988 employed as Monument Attendant. On that day, the Superintending Archaeologist of the department of Archaeological Survey of India issued an office order to the effect that Sh. Hargyan will be retiring from service on 31.1.1989 on attaining the age of superannuation. Hargyan felt aggrieved by this order as according to him he was being prematurely retired. His case was that his actual date of retirement is 16.2.1994. He, therefore, came to this Tribunal by means of this O.A.on 16.9.1988.

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During the pendency of this O.A., Sh. Hargyan was not granted any interim order. He died on 3.9.1991. His heirs and legal representatives have been brought on record.

The learned counsel appearing on behalf of the heirs and legal representatives of late Sh. Hargyan states at the Bar that the controversy with regard to the date of retirement of Sh. Hargyan is not being raised now. His only prayer is that the respondents may be directed to pay all the pensionary benefits to the heirs and legal representatives of Hargyan which accrued on account of his retirement in 1989. We are informed that a lump sum payment of Rs.30066/- has already been made. Probably, the respondents could not pay all the other dues on account of the pendency of this O.A. Now, the respondents are free to take the view that Sh. Hargyan retired from service on 31.1.1989 on attaining the age of 60 years. The respondents shall now compute the entire benefits payable to the heirs and legal representatives of Sh. Hargyan, including the family pension etc. They shall do so within a period of 2 months from the date of the receipt a certified copy of this judgement from any one of the petitioners before the relevant authority. We are informed that the widow of Sh. Hargyan is still alive and his other heirs and legal representatives are prepared to surrender their rights in favour of the widow. The payment shall, therefore, be made by the respondents to the widow, after completing the necessary formalities, if any.

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With these directions, the O.A. is disposed of finally. No orders as to costs.

B.N. Dholiwal
(B.N. Dhoundiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Vice-Chairman

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