

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

....

Regn.No.OA-276/88

Date of Decision 19.1.1989

Shri Jiwa Ram Singh

.... Applicant.

Vs.

Union of India & Ors.

.... Respondents.

For the applicant

.... Shri R.C.Katara,
Advocate.

For the respondents

.... None.

CORAM : Hon'ble Shri Ajay Johri, Administrative Member
Hon'ble Shri G.S.Sharma, Judicial Member.

....

1. Whether Reporters of Local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(Judgement of the Bench delivered in the open
Court by Shri Ajay Johri, Member Administrative).

....

This is an application under Section 19 of the Administrative Tribunals Act, 1985. The applicant has come to this Tribunal with a prayer that his retirement benefits may be paid to him as he has retired from service with effect from 1.4.1985. The applicant was originally appointed as a Store Keeper in the Central Ordnance Depot, Agra on 13.7.1944. He was taken up for Discipline and Appeal Rules for unauthorised absence which ultimately resulted in the order of his compulsory retirement with effect from 1.4.1985.

2. We have heard Shri Katara, learned counsel for the applicant. Nobody is present for the respondents. This case was admitted on 4.5.1988 when time was allowed to the respondents to file a reply within five weeks and the rejoinder was to be filed by the applicant within three weeks thereafter. A notice was also issued on 4.5.1985 to the respondents on the interim relief prayed for by the applicant. This notice was returnable on 25.5.1988. We note that in spite of ³⁴ ~~repeated~~ ^{Having been} opportunities given to the respondent, they have failed to file any reply ^{or} even a reply to the notice of interim relief and even today when the case is called, nobody is present on behalf of the respondents. We take serious

note of this situation.

3. The order dated 6th March, 1985 by which the applicant was compulsorily retired which is placed at Annexure-7 of the paper-book clearly spells out in para 4 as follows:

"Now, therefore, the undersigned, in exercise of the powers conferred vide CCS (CC&A) Rules, 1965 hereby order that No. 16155, Senior Storekeeper Shri Jiwa Ram Singh be compulsorily retired from service in the Army Ordnance Corps with effect from the date this order is served on the said Shri Jiwa Ram Singh. He will be given full pension and death-cum-retirement gratuity as admissible to him on the date of compulsory retirement."

4. The applicant's prayer in this application is that he should be paid his retirement benefits which have not yet been paid to him though he retired from service 3½ years back. Pension and gratuity are no more ^{3/4} doles being distributed by the Government but it is a right of the applicant and we fail to understand why the applicant has not been given even the provisional pension if the final pension could not be ordered. Since the order by which the applicant was retired i.e. the order No. 16155/SK/DC-844/ADM(CIV) dated 6th March, 1985 clearly spells out that the applicant will be given full pension death-cum-retirement gratuity as admissible to him on the date of his compulsory retirement, We direct that ^{in that} ~~this~~ order, if has not yet been implemented, should be implemented within three months from the date of receipt of this order. We further direct that the applicant will be entitled to an interest at the rate of 12 per cent per annum on the outstanding amount till the date of payment from the date it become due. The application is disposed of with the above directions with no order as to costs.

(G.S.Sharma)
Judicial Member

(Ajay Johri)
Administrative Member