

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

(6)

O.A. No. 413/88 with <sup>2</sup>  
T.A. No. MP 2640 and 2641/89 <sup>Q-199</sup>  
MP 1746 of 1990 <sup>Q</sup>

DATE OF DECISION 23.11.1990

|   |                                 |
|---|---------------------------------|
| Shri K.L. Bhasin  | <del>Petitioner</del> Applicant |
| Shri K.L. Bhatia  | Advocate for the Petitioner(s)  |
| Versus  |                                 |
| Union of India through the<br><del>Secy. Miny. of Health &amp; Family</del><br><del>Welfare &amp; Orgs.</del> | Respondent                      |
| Shri K.C. Mittal  | Advocate for the Respondent(s)  |

## CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The applicant retired from the post of Storekeeper in the Central Government Health Scheme on 31.8.1986, on attaining <sup>his</sup> the age of superannuation. About six days before the date of retirement, the respondents issued to him a Memorandum dated 25.8.1986 intimating that it was proposed to hold an enquiry against him under Rule 14 of the C.C.S. (CCA) Rules, 1965. The reliefs sought in the present application are that the respondents be directed to set aside the impugned Memorandum dated 25.8.1986, that they be directed to sanction and pay final pension without any deduction or modification on the basis of his entire service from the date of his retirement, that they be directed to grant him all retirement benefits, including D.C.R. Gratuity,

*Q*

cash compensation for leave and other dues, that they be directed to grant him medical leave on full pay for 61 days due to him, and that he be paid interest at the rate of 18 per cent per annum on the outstanding amounts.

2. The application was filed in the Tribunal on 10.3.1988. The pleadings in this case are complete. Unfortunately, <sup>the</sup> ~~applicant~~ <sup>expired</sup> on 20.5.1989, leaving behind his widow, 5 sons and 4 daughters, who are stated to be his legal heirs. His widow has filed MP-2640/89 praying that the monetary reliefs sought in the application be granted to the legal heirs.

3. We have carefully gone through the records of the case and have heard the rival contentions. After the death of the applicant, the departmental proceedings initiated against him will abate. The legal representatives would be entitled to the monetary benefits, if any, accruing to the applicant.

4. The respondents have stated in their counter-affidavit that the applicant had been given provisional pension vide order dated 13.11.1986. They have not, however, indicated as to whether the provisional pension was calculated on the revised pay-scale, as per the Fourth Pay Commission's recommendations or not. They have, however, stated that the relief claimed by him regarding the fixation of his pay in the revised pay-scale, has been given to him w.e.f. 1.1.1986 vide Office Order dated 4.4.1988.

5. The respondents have stated that the medical leave due to the applicant has already been regularised vide order dated 17.6.1986 under intimation to him.

a


6. The legal heirs of the deceased applicant have filed an affidavit wherein it is stated that they consent and authorise Smt. Sumitra Devi, their mother and the wife of the deceased applicant, to pursue the present application before us on their behalf. All the legal heirs of the deceased applicant are majors and they have not authorised Smt. Sumitra Devi to receive the payment of outstanding dues on their behalf.

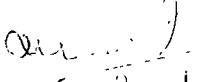
7. In the conspectus of the facts and circumstances of the case, the application is allowed and disposed of with the following orders and directions:-

- (i) As the applicant has died during the pendency of the application filed in the Tribunal, the departmental proceedings which were initiated by the impugned Memorandum dated 25.8.1986, have abated.
- (ii) to the legal heirs The respondents are directed to pay the difference between the provisional pension paid to the applicant and the final pension admissible to him under the Rules, if there is any difference in this regard. The pension should be calculated on the basis of the revised pay of the applicant, as per the recommendations of the Fourth Pay Commission. In case, there is any difference, the same should be paid to the legal heirs in accordance with the relevant rules.
- (iii) The respondents are directed to pay to the legal heirs the D.C.R. Gratuity and other retirement benefits due and admissible to the applicant, in accordance with the relevant rules.

- (iv) The respondents shall pay interest at the rate of 12 per cent on the outstanding amounts mentioned in (ii) and (iii) above.
- (v) The respondents shall comply with the above directions within a period of two months from the date of receipt of this order.
- (vi) MP Nos. 2640/89, 2641/89 and 1746/90 are disposed of accordingly.

There will be no order as to costs.

  
(D.K. Chakravorty)  
Administrative Member  
23/11/1990

  
(P.K. Kartha)  
Vice-Chairman (Judl.)