

MA No. 688, 689, 690/2020 & 05/2021 in OA No. 438 of 2020

Sri Umesh Chandra Mohapatra

vs.

Union of India represented through Secretary, MoSPI

Order reserved on 06.01.2021

Date of Order: 02.02.2021

For applicant: Mr. S. K. Ojha, counsel.

For respondents: Mr. P. R. J. Dash, counsel.

ORDER

The applicant had filed the OA No.438 of 2020 for extending the family pension from the next day when the original pensioner expired i.e. from 21.05.2008 instead of 31.01.2020. The applicant seeks to quash the office letter dated 15th May, 2020 (Annexure a/6) wherein his representation was rejected for disbursement of family pension w.e.f. 21.05.2008 and order dated 17.02.2020 (Annexure A/1) wherein family pension was granted to him w.e.f 31.01.2020.

2. The respondents vide MA No. 688/2020 inter alia submitted that the order dated 14.10.2020 of this Tribunal they have sanctioned the dues of applicant which has been communicated to the Bank Authorities and the applicant vide Annexure R/1 series. It is further submitted by the respondents that they have already sanctioned pension amount to the applicant vide letter dated 04.11.2020 (Annexure R/2 series) on Bhavishya Portal.

3. The Respondents in MA No.689/2020 submitted that the respondents have sanctioned the dues of applicant which has also been communicated to the Bank authorities as per order dated 14.10.2020 of this Tribunal. But there was a typographical mistake in order dated 20.11.2020 of this Tribunal wherein while passing the order inadvertently passed order that respondents have already sanctioned family pension along with medical allowance to the applicant w.e.f. 01.01.2020 but actually it is w.e.f. 31.01.2020 and the said typographical error may be corrected.

4. In MA No. 690/2020 the respondents sought extension of time to file counter as they felt that some more discussion in the matter is required and some additional documents are also required for preparation of counter affidavit.

5. The applicant in MA No. 05/2021 submitted that the respondents had taken some steps to release the family pension from 31.01.2020 till 31.10.2020. But in a surprising way, no further pension was disbursed by the respondents with the view that in absence of any order to continue the family pension stopped the same and did not release any further family pension for the month of November & December, 2020. The applicant submitted that in view of the above, the compliance filed by the Respondents may be rejected and further direction be issued to pay family pension to the applicant till conclusion of the OA.

6. Learned counsel for the applicant and respondents were heard on the matter. In MA 689/2020 has been filed by the respondents mentioning that due to typographical error in order dated 20.11.2020 mentioning that the respondents have already sanctioned family pension along with medical allowance to the applicant w.e.f. 01.01.2020. The same is corrected as w.e.f. 31.01.2020 as it is necessary to rectify the typographical error.

7. MA 688/2020 has been filed on behalf of the respondents so that Tribunal can take note of the compliance of order passed by this tribunal on 14.10.2020. The respondents have mentioned that the pension has already been sanctioned in favour of the applicant as per letter dated 04.11.2020.

8. Since the respondents have taken steps for payment of family pension in favour of the applicant for the month of November and December, therefore no further direction is necessary in this regard. However, the respondents cannot stop disbursement of family pension in favour of the applicant for any particular month in the absence of any further order from this Tribunal and in the absence of any leave taken from this tribunal till disposal of the OA. If the respondents feel any legal impediment in disbursing family pension in favour of the applicant in any subsequent months they must take leave of this tribunal seeking for appropriate order in this regard. Therefore it is directed that the respondents shall not stop payment of family pension in favour of the applicant until disposal of this OA without leave of this tribunal.

9. As per order dated 20.11.2020, the respondents were directed to file counter within four weeks. MA 690/2020 has been filed on behalf of the respondents praying for 8 weeks time to file counter. The said MA was filed on 28.12.2020. Further time is granted till 15.02.2021 so that respondents will time for filing of the counter. No prayer for time to file counter will be entertained. In case the respondents do not file counter by that date, the right to file counter will be forfeited.

10. Accordingly all the MA's stands disposed of. Non payment of monthly family pension in favour of the applicant shall not be a ground not to proceed ahead in this case, so that there shall be no delay in taking up final hearing in the OA after completion of pleadings as soon as possible. The applicant will be at liberty to proceed in accordance with law, including filing of contempt petition if so advised in case there is specific non compliance on the part of the respondents in paying monthly family pension in future till disposal of the OA

11. List the OA on 15.02.2021 for further order.

(ANAND MATHUR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)