

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI  
R.A.No. 128/89 In  
O.A. No. 598/86 1986  
T.A. No.

DATE OF DECISION 16-10-89

Smt. Kamla Devi, wife of  
late Shri Ram Chander Singh Applicant (s)  
Chauhan

Advocate for the Applicant (s)

Versus  
Union of India & Others Respondent (s)

Advocate for the Respondent (s)

CORAM :

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

The Hon'ble Mr. S.P. Mukerji, Vice-Chairman (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

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

The review application has been filed by the applicant in OA-598/86 which was disposed of by the judgement of the Tribunal dated 29.8.1988. In the original application, the applicant had sought for payment of pay and allowances for the period from 13.11.1967 to 6.9.1974, recalculation of pension on the basis of revised emoluments, payment of G.P.F. and group insurance amount, appointment of one dependant of the deceased official in the department on compassionate ground and compensation of Rs.10,000/- on account of injustice done to the deceased official.

2. After going through the records and hearing the learned counsel for both the parties, the Tribunal allowed the application in part and directed that at least the

service of the deceased official between 1958-67 should be counted in reckoning pensionary benefits and gratuity, etc., and that some compensation should be paid for his period of absence between 13.11.1967 and 6.9.1974. In the facts and circumstances of the case, the Tribunal directed the respondents to pay the applicant a lump sum amount of Rs.15,000/- in full and final satisfaction of the claim towards arrears of pay and allowances for the period of forced absence between 13.11.1967 and 6.9.1974. The Tribunal further directed that pecuniary benefit, including gratuity, encashment of leave, group insurance and provident fund amount should be recalculated after taking into account also the service rendered between 1958 and 1967 and all payments admissible to the applicant under the rules be made good along with interest at prescribed rates.

3. The submission made in the present application is that having awarded a lump sum amount of Rs.15,000/- towards arrears of pay and allowances for the period of forced absence between 13.11.1967 and 6.9.1974, the Tribunal ought to have further directed that the service of the deceased official during the said period should also be counted for reckoning that period as duty for such purposes. In order to avoid any possible doubt or ambiguity in the implementation of our judgement, we feel it necessary to give the following clarifications.

4. The intention of the Tribunal was not to deprive the applicant of the retirement benefits which would have accrued to the deceased official during the said period but for his forced absence. We, therefore, clarify that the period between 16.4.58 and 6.9.74 should also be <sup>counted in</sup> be

Or

reckoning the pensionary benefits and gratuity, etc., payable to the applicant. We direct the respondents accordingly.

4. The review application is <sup>ok</sup> disposed of on the lines indicated above. The respondents shall comply with the above directions within a period of three months from the date of communication of a copy of this order.

*S.P. Mukerji*

(S.P. Mukerji)  
Vice-Chairman (Admn.)

*P.K. Kartha*

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