

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1019/2004

New Delhi, this the 23rd day of April, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

J.R. Nebhoria  
R/o Flat No.9-B/GH-10,  
Sunder Apartments, Paschim Vihar,  
New Delhi.

...Applicant

(By Advocate Sh. Yogesh Sharma)

V E R S U S

Union of India through

1. The Secretary,  
Ministry of Finance,  
Govt. of India,  
New Delhi.
2. The Under Secretary,  
Ministry of Finance,  
Department of Revenue,  
Govt. of India,  
New Delhi.
3. The Chief Accounts Officer,  
Customs and Central Excise Head Quarters,  
Tiruchirappalli-620001.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

The applicant has filed this OA against the orders of the respondents dated 12-1-2004 (Annexure A-1) whereby his claim for correct fixation of his pension and retirement benefits after granting him annual increment has been rejected.

2. He has prayed that the said order be quashed and set aside and the respondents be directed to refix his pension and other retirement benefits after taking <sup>into</sup> account his due increments with the last pay with all consequential benefits including arrears of difference of pension and retirement benefits with interest.



3. The applicant, who retired on 31-12-2002 from the post of Commissioner in the grade of Rs.18,400-22,400/-, submitted a detailed representation to the respondents vide his letter dated 1-7-2003 for granting him the benefit of increment which was otherwise due on first January of the year and also for giving him pensionary benefits as per Rule 34 of CCS (Pension) Rules, 1972. But the same does not seem to have been appreciated by the respondents and his request has been turned down vide the impugned orders. Incidentally, the respondents have not referred to any relevant provisions under which they have considered the request of the applicant and rejected the same. It is also not clear how the respondents have taken the service of the applicant for the last year as of 11 months only when he actually retired on 31-12-2002.

4. The applicant has referred to the decisions of this Tribunal (Hyderabad Bench) as given on 9-9-2002 in Dr. K.V.Laxminarain v. Zoological Survey of India, Kolkatta & Ors. (OA 418/2002), in which, among other things, it has been held that increment due to the applicant in the said case by virtue of his service for a continuous period of one year, should be allowed for the said period.

5. Having regard to the said decision of the Tribunal and also the other observations which have been made above, I consider it appropriate to dispose of this OA at this stage itself while hearing on the point of admission with directions to the respondents to reconsider the matter in the light of decision of this Tribunal referred to hereinabove

and to dispose it of by issuing a reasoned and speaking order as per law within a period of two months from the date of receipt of a copy of this order.

6. With this, the OA stands disposed of.



(Sarveshwar Jha)  
Member (A)

/vikas/