

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2034/2004

This the 20th day of January, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. D.R.TIWARI, MEMBER (A)

Smt. S.G.Bellani
R/o 1-C DDA Flat,
Ph-1, Masjid Moth,
New Delhi-48.

(By Advocate: Sh. S.K.Ray)

Versus

1. Union of India
through the Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi-110001.
2. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi-110001.
3. The Chief Commissioner of Income Tax-1,
C.R.Building,
I.P.Estate, New Delhi-110002.

(By Advocate: Sh. V.P.Uppal)

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

We have heard the learned counsel for the parties at length.

2. Applicant was working as an Income Tax Officer, when on 8.5.1992, she was arrested. She was placed under suspension w.e.f. 30.4.1992 in contemplation of the disciplinary proceedings. But disciplinary proceedings has not been started as yet. She has, however, retired on attaining the age of superannuation w.e.f. 31.8.2001. During the period of suspension, she was granted initially 50% of the pay as suspension allowance which was later on enhanced to 75% of her pay. After the retirement respondents had fixed her provisional salary in accordance

[Signature]

with Rule 69 (1)(a) of CCS (Pension) Rules, 1972 at Rs.1058/- p.m. She is aggrieved. According to her, the provisional pension has been fixed on the basis of the suspension allowance which was being paid before retirement. Her contention is that provisional pension should have been revised after revision of pay scale in accordance with recommendation of the 5th Central Pay Commission which were implemented w.e.f. 1.1.96 and if it was done her provisional pension would be much more than what she is granted.

3. During the course of hearing, counsel for applicant has submitted that applicant may be allowed to file detailed representation with the respondent for consideration for the revision of provisional pension in the light of the recommendations of 5th Pay Commission and the orders issued by the Government in regard to the fixation of pension of the retired employee. It is submitted that such a representation shall be filed by the applicant within 4 weeks. Counsel for respondents has fairly submitted that if such a representation is filed by the applicant, the respondent will consider it as per rule and will try to take up the matter with the Pension Department for an early decision on the representation.

4. Having regard to the above facts, counsel for applicant does not press the OA at this stage but has requested that applicant may be allowed leave to file fresh application, if necessary, after decision was taken by the respondents on the representation of the applicant.

5. OA is dismissed as withdrawn. Applicant is at liberty to file fresh application, if necessary, in accordance with law after decision was taken by the respondents on the applicant's representation.

D.R.Tiwari
(D.R.TIWARI)
Member (A)

'sd'

M.A.Khan
(M.A. KHAN)
Vice Chairman (J)