

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 1088 of 1998

this the 9th day of August' 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Smt. Kanan Ghosh, aged about 57 years, W/o late Sri B.K. Ghosh

2. Km. Alpana Ghosh, aged about 25 years, D/o late B.K. Ghosh

3. Km. Archana Ghosh, aged about 23 years, D/o late
Sri B.K. Ghosh.

4. Shekar Ghosh, aged about 21 years, S/o late B.K. Ghosh.

Applicants.

By Advocate : Sri A.V. Srivastava.

Versus.

1. Union of India through Engineer-in-Chief, M.E.S.
Kashmiri House, New Delhi.
2. The Zonal Chief Engineer, Lucknow zone, Lucknow.
3. Commandar Works Engineer, Allahabad.
4. Garrison Engineer (West), Allahabad.
5. Controller of Defence Accounts (Pension), Allahabad.

Respondents.

By Advocate : Sri P. Srivastava for Sri S. Chaturvedi.

ORDER (ORAL)

The original applicant late Sri B.K. Ghosh was working as Painter in the office of Garrison Engineer (West) Alld. (G.E.(W) in short). He was to retire w.e.f. 31.7.90. It appears that late Sri B.K. Ghosh filed O.A. no. 147 of 1992 before this Tribunal seeking directions to the respondents to pay him the retirement benefits like Group Insurance, General Provident Fund and leave encashment etc. and also for a correction in the date of birth of the applicant in

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the service record including the payment of salary upto 31.7.1992. The said O.A. was dismissed vide order dated 18.10.1996. The aforesaid order passed by this Tribunal was challenged ^{before} by the Allahabad High Court in Writ petition no. 37194 of 1997, which was partly allowed. The claim of the applicant for correction of date of birth was rejected. The respondents, however, directed to pay to the applicant his post retiral benefits whatever is due to him in accordance with rules. In pursuance of the order passed by the Hon'ble High Court, the respondent no.4 vide letter dated 19.3.1998 informed the original applicant regarding payment of his post retirement benefits whatever was due to him in accordance with the rules. In this letter the payment of CGEIS, G.P. Fund and leave encashment has been mentioned. Similarly the original applicant was also granted the pension, DCRG including commuted value of pension etc. vide PPO, a copy of which has been annexed as Annexure A-6 to the O.A. The original applicant has filed this O.A. alleging that he has not been paid the full retiral benefits as much as the period of absence from 1974 to 1990, which has illegally been treated as absentee. He also seeks directions to the respondents to supply him certified copy of his Service Book, PPO in full, leave account, Calculation sheet of his pensionary benefits on retirement and Absentee statements from 1974 to 1990 and details of outstanding dues of Rs. 2028/-, which has been deducted from his retirement benefits.

2. It may be stated that during the pendency of this O.A., the original applicant died and his legal heirs has been substituted.

3. I have heard the learned counsel for the parties and have perused the pleadings on record.


4. It has been stated on behalf of the respondents that

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the original applicant had already been paid the retiral benefits as per rules. It is also contended that there was no leave in his leave account. As regards regularisation of his absence from 1974 to 1990, it is stated that the same has been regularised as per rules. It may be stated that no Rejoinder affidavit has been filed by the applicant. Therefore, the averments made by the respondents in their Counter reply have not been controverted and ^{the same is} to be taken as correct.

5. The learned counsel for the applicant has, however, emphasised that it would serve ends of justice if the applicants are provided the certified copy of Service Book, PPO alongwith calculation sheets showing the details of outstanding of Rs. 2028/-.

6. Considering the facts and circumstances of the case, the O.A. stands disposed of with the directions to the respondents to provide the certified copy of Service Book, PPO alongwith calculation sheets showing the details of outstanding of Rs. 2028/- ^{to the applicants} within a period of three months from the date of communication of this order. There shall be no order as to costs.


MEMBER (J)

GIRISH/-