

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 894 OF 2001.

ALLAHABAD THIS THE 08TH DAY OF May 2009

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM, MEMBER-A
Narayan Chandra Banerjee, son of late Shri Bankim Chandra Banarjee, Resident of D46/33 Ramapura, Luxa, Varanasi
..... Applicant

By Advocate : Shri V.K. Srivastava

Versus

1. Union of India through its Secretary, Ministry of Telecommunication, New Delhi.
2. Chief Post Master General, Lucknow Uttar Pradesh.
3. Post Master General, Allahabad.
4. The Director Postal Accounts, Uttar Pradesh, Circle, Lucknow.
5. Assistant Chief Accounts Officer (Pension), U.P. Circle, Lucknow.

..... Respondents

By Advocate Shri R.K. Srivastava

O R D E R

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Shri V.K. Srivastava, Advocate appearing for the applicant Shri R.K. Srivastava Advocate appearing for the Respondents. Perused the pleadings and documents on record.

2. Applicant has filed present O.A. seeking to challenge the order dated 15.6.2001 (Annexure A-5/Compilation I to the O.A.) whereby applicant was informed by Assistant Chief Accounts Officer (Pension) that judgment of CAT, Nagpur

Bench was not relevant and did not support request of the applicant for revision of pension in view of 5th Pay Commission.

3. Learned counsel for the applicant referred to his representation dated 18.1.2001 (Annexure A-4/Compilation II to the O.A). In the said representation, applicant had contended that, though he retired on 31.12.1995 (Evening) yet retirement would be effective from 01.01.1996 (and not 31.12.1995) as per decision of CAT Hyderabad Bench, filed as Annexure A-6.

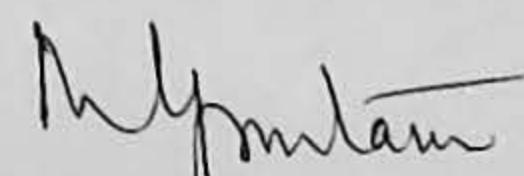
4. Reliance is being placed on the order of Mumbai Bench. All these contentions raised by the applicant requires adjudication on facts with reference to relevant Circulars/Rule/s in force at relevant time. On the other hand, we find that in the impugned order Authority concerned have not referred to the contention of the applicant and no reasons given.

5. In view of the above, then impugned order dated 15.6.2001 is hereby set aside with a direction to the Concerned Authority to decide the claim of the applicant for revision of pension in view of 5th Pay Commission. For this purpose, we direct the applicant to file a comprehensive parawise representation including therewith relevant judgment of Tribunal/High Court/Apex Court, if any, on the issue alongwith a copy of the O.A. (with all Annexures) and a certified copy of this order within 4 weeks from today before respondent No. 2/Chief Post Master General, Lucknow Uttar Pradesh and said respondents shall decide said representation,

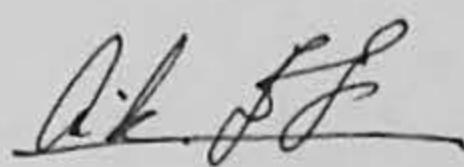
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provided it is filed as stipulated/contemplated above in this order by passing reasoned and speaking order in accordance with law within 3 months from the date of receipt of the Representation (as indicated above). Decision taken shall be communicated to the applicant forthwith.

6. O.A. stands allowed. No cost.



Member (A)



Member (J)

Manish/-