

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

ORIGINAL APPLICATION NO.1166 of 2004.

Allahabad this the 10th day of January 2005.

Hon'ble Mr.A.K. Bhatnagar, Member-J.
Hon'ble Mr.D.R. Tiwari, Member-A.

Harbans Lal Bhasin
S/o late Deewan Chand Bhasin
3-A, Jawahar Lal Nehru Road,
L.I.C. Colony, Allahabad.

.....Applicant.

(By Advocate : Sri Vinod Kumar/
Sri R.R. Pandey)

Versus.

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Director General, Dte. Gen. of Medical Services (ARMY) Adjutant General's Branch, Army Head Quarters, New Delhi-110001.
3. The Chief Controller of Defence Accounts (Pension), Allahabad.
4. Officer Commanding, Family Welfare Centre, Military Hospital, Dehradun.

.....Respondents.

(By Advocate : Sri A.N. Shukla)

O_R_D_E_R

(By Hon'ble Mr.A.K. Bhatnagar, J.M)

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for issuing a direction to the respondent No.1 to remove the anomaly in pay structure of the applicant, and to fix the notional pay w.e.f. 01.01.1996 in the pay scale of Rs.6500-10500.

He has further prayed for issuing a direction to the respondents to revise the pension in relation to notional pay fixed w.e.f. 01.01.1996 taking into account the decision of Govt. of India accepting the recommendation of Central

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Fifth Pay Commission, with a further prayer to issue a direction to the respondents to pay the arrears of the applicant so revised pension w.e.f. 01.1.1996 and current pension forthwith.

2. The facts, in brief, as per the applicant are that he has retired as Family Planning Extension Educator/Malaria Supervisor from S.H.O. Dehradun on 24.02.1969. He filed an O.A. No.625/1999 in this Tribunal which was decided on 04.06.1999 with a direction to respondents No.2 i.e. Director, Medical Services, Health and Sanitation, Army Headquarter, New Delhi to decide the representation of the applicant dated 15.03.1999 with a reasoned and speaking order within the period of one month from the date of receipt of copy of this order. In pursuance of the Central Administrative Tribunal's order, the case of the applicant was considered and decided vide order dated 06.09.1999 filed as Annexure A-3 of the O.A. by which the following order was passed :-

"Shri Bhasin is advised to approach his Pension Disbursement Office/Bank alongwith an application (in quadruplicate) as per enclosed preferma alongwith the requisite documents, viz- corrigendum of PPO effecting revision of pension w.e.f. 01.01.1976 and 01.01.1986. After getting the same verified by the PDO/Bank, the form may be submitted to FWC Centre, Dehradun, the unit from which he retired. FWC Centre, Dehradun will forward the same to the concerned CDA after making necessary endorsements for revision of Pension".

3. Learned counsel for the applicant submitted that as per order passed on 06.09.99, the applicant filed representation on 15.03.2000 followed by a reminder dated 20.02.2004 but the respondents have not paid any attention on it so far. All the required conditions have been fulfilled by the applicant. Learned counsel for the applicant further

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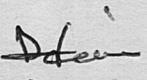
submitted that the applicant is about 87 year's of age and is not in a position to even move anywhere. The Learned counsel for the applicant further submitted that he will be satisfied if his representation dated 15.03.2000 followed by a reminder dated 20.02.2004 is decided by the Competent Authority within a fixed time frame in the light of earlier order passed on 06.09.1999 (Annexure 3).

4. After hearing counsel for the parties and on perusal of records, we are of the view that this case can be decided at the admission stage itself without calling for counter, by issuing a direction to the Competent Authority to decide the representation of the applicant.

5. Accordingly in the fixed time frame.

5. Accordingly the O.A. is disposed of finally with a direction to the Competent Authority to consider and decide the representation dated 15.03.2000 (Annexure 3) by a reasoned and speaking order within a period of two months from the date of receipt of copy of the order. To facilitate the early decision of the case, the applicant may file a fresh representation to the Competent Authority alongwith copy of the order earliest as possible.

No costs.


Member-A.


Member-J.

Manish/-