



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No. 1869/2021

This the 7th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Smt. Vidhula Kaul,
Aged 66 years (Senior Citizen),
W/o Late Shri C.L. Kaul, Retired Deputy Secretary,
R/o F-3, Fine Home Apartments,
Mayur Vihar Phase – I,
Delhi – 110091.

...Applicant

(By Advocate: Mr. Suresh Sharma)

Versus

Union of India, through

1. The Secretary,
Department of Chemicals & Petrochemicals,
Shastri Bhawan,
New Delhi.
2. The Secretary,
Department of Personnel & Training,
North Block, New Delhi – 110001.

...Respondents

(By Advocate: Mr. Hilal Haider)



ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- i. Issue suitable directions to the respondents to revise all pensionary benefits including, *inter alia*, Pension, Commutation of Pension, Leave Encashment, Gratuity etc. Sanctioned vide PPO No. 756910800033, including Family Pension, by granting increment payable on 1st July of the respective year of their retirement on the same basis on which Order dated 15.07.2021 has been passed by this Hon'ble Tribunal in O.A. No. 776/2019 and bunch of other O.As (Annexure A-03).
- ii. To direct the respondents to pay the arrears on account of revision in pensionary benefits, including, *inter alia*, Pension/Family Pension, Commutation of Pension, Leave Encashment, Gratuity etc. within 3 months of receipt of the Order.
- iii. To allow the O.A. with costs.
- iv. To pass any further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The husband of the applicant, late Shri C.L. Kaul, superannuated from the respondent Department on 30.06.2008. Just before his retirement, he made a request



for sanctioning pensionary benefits to him, after granting notional increment on 01.07.2008, as he had completed 365 days of required service for earning an increment. However, the pensionary benefits were sanctioned without granting the notional increment due to him. The husband of the applicant expired on 15.03.2017 and the applicant started getting family pension, on the basis of the pension sanctioned to her husband without including the benefit of notional increment.

3. At the outset, learned counsel for applicant fairly submitted that similarly situated employees are getting the benefit of revised pensionary benefits, including pension, family pension, computation of pension, leave encashment, gratuity etc. as well as the arrears on account of revision in pensionary benefits. It was further submitted by the learned counsel for the applicant that similarly situated employees have already approached this Tribunal vide O.A. No. 776/2019 and batch and this Tribunal allowed the O.As. vide order dated 15.07.2021. Accordingly, the learned counsel for the applicant prays that since the husband of the applicant is similarly situated to the applicants therein, similar benefits need to be extended to him.



4. Heard Mr. Suresh Sharma, learned counsel for applicant and Mr. Hilal Haider, learned counsel for the respondents, at the stage of admission.
5. We have noted that earlier the applicant while in service, made a representation seeking extension of the benefit of notional increment due on 01.07.2008, to him. However, he unfortunately expired on 15.03.2017 and now his wife is claiming the benefit of the same and revision of pension, family pension, gratuity etc. along with the arrears.
6. Learned counsel for the applicant further submitted that the applicant would be satisfied if this O.A. may be treated as a representation by the Competent Authority, so as to make a decision for extending the same benefit, as was extended to the similarly situated employees.
7. Mr. Hilal Haider, learned counsel on behalf of the respondents submitted that he has no objection to the prayer made by the learned counsel for the applicant.
8. Accepting the prayer made by the learned counsel for the applicant, the O.A. is disposed of, with a direction to the applicant to produce this Original Application along with



this order before the Competent Authority, within a period of one month from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider and decide it in the light of the judgment of this Tribunal dated 15.07.2021 passed in O.A. No. 776/2019 and batch. After verifying the fact that the husband of the applicant was similarly situated and entitled to get the similar benefit, the same benefit shall be extended to the applicant. It is made clear that whatever decision is arrived at by the Competent Authority, that should be reasoned and speaking, and the same shall be communicated to the applicant within a period of three months from the date of receipt of a copy of this order. This order is passed without going into the merits of the case.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

September 7, 2021
/jyoti/mbt/dd/