

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABA D BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER, 1504 OF 1993

MONDAY THIS THE 30th DAY OF DECEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN K K SRIVASTAVA, MEMBER (A)

D.B. Kauser,
s/o Late Shri Jagat Narain Saxena,
Assistant Audit Officer Commercial (Retired),
Office of the Accountant General (Audit)-II, U.P.,
r/o 104 Dilkusha, New Katra,
Allahabad - 211 002

.....Applicant

(Applicant or In Person) ant:

V E R S U S

1. Secretary,
Government of India,
Ministry of Finance,
North Block,
New Delhi- 100 001
2. Secretary,
Government of India,
Ministry of Personnel, Public Grievances and Pension,
Department of Pension & Pensioners' Welfare,
Lok Nayak Bhawan,
New Delhi - 100 001
3. Pay & Accounts Officer,
Office of the Principal Accountant General (A&E), U.P.,
Allahabad - 211 001

.....Respondents

(Counsel for the Respondents: Shri S. Chaturvedi)

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this O.A. under section 19 of Administrative
Tribunals Act, 1985 applicant has prayed for a direction

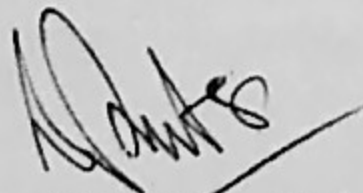


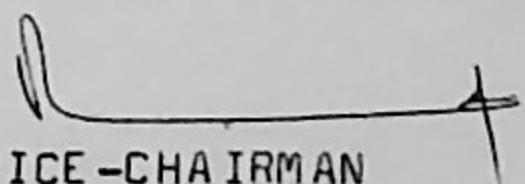
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to respondents to ~~pay~~ ^{pay} to ~~the~~ ^{the} applicant Gratuity, Pension, commuted value of pension together with appropriate Dearness Allowance obtainable since July 1993 to December 1995 and consolidated pension of Rs.5129/- per-month since January, 1996. He has ~~also~~ ^{also} prayed for payment of interest @12% per annum on the additional amount payable to the applicant.

2. It is not disputed that applicant retired from service as Assistant Accounts Officer on 30.06.1993, and he has been paid all the retiral benefits, for which he was entitled. The only claim raised through this O.A. is ^{that} the pension, ^{and} other retiral benefits should ^{determine} have been paid taking dearness allowance as pay. However, decision to merge all or any part of dearness allowance with the pay for all purposes, is a policy decision of the Government which is taken after considering so many factors including the reports of the pay commissions. This Tribunal is ill-equipped to take a decision in such matters. Otherwise also normally this Tribunal does not interfere with policy decision taken by the Government unless a clear case of arbitrariness or malafide is made out.

3. We do not find any such case pleaded or established in this O.A. calling for our interference. In the circumstances, we do not find any merit in this O.A. and the same is accordingly dismissed. No order as to costs.


MEMBER (A)


VICE-CHAIRMAN

shukla/-