

OA 144/00

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8.6.01

Hon Ch Sri Nagesh JM

Heard Shri D.K. Singh for the
applicant and Shri K.P. Singh for
the respondents.

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Smt. R.K. Devi has a grievance
that the family pension which is being
provided to her is not in accordance
with her entitlement. It has also
been mentioned that there was almost
correct calculation when her pension book
was prepared but subsequent to it through
some clerical and over wage work it has
been reduced and, therefore, she has come
up with the prayer that the respondents
be directed to rectify the ~~err~~ erroneously
mentioned amount and restore the correct
position.

The respondents have filed two C.A.
with the mention that the husband of the
applicant who retired on 30.9.96 from the
post of station master at Gaya Jn was
subjected to disciplinary proceedings and

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a penalty was imposed upon him. Vide order dt 23.9.96 and his pay reduced to the minimum of prior lower Scale (Rs 1200-2040) for the remaining part of the service. It has also been mentioned that the pension book which was prepared notwithstanding this penalty was subsequently corrected in accordance with punishment order.

Keeping in view the facts & circumstances of the matter it is quite evident that the applicant was entitled to get Rs ~~1640~~ 1640 as monthly basic pay till 23.9.1996 & thereafter, till date of his superannuation i.e. 30.9.96 he was brought to the scale of 1200-2040 and that is for one week only. It is also not in dispute that the pension is calculated on the basis of 10 months average pay drawn by the pensioner and with this position in view it is quite apparent from the figures in the pension book, produced by learned counsel for applicant & returned back after perusal that the calculation is not correct and hence the pension has not been revised according to provision in this regard and needs to be

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be fixed for which the respondents are directed to reconsider the matter and pass appropriate order within 4 months from date of communication of this order and the arrear of pension and other retirement benefits to which the applicant is found entitled, be paid to her within 2 months, thereafter. If the amount of arrear, to which the applicant is found entitled is not paid within stipulated time as above she will become entitled to interest @ 12% p.a. The GA is decided accordingly. No order as to cost.

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