

M/S. P. Mishra.
G.K. Nanda
Mr. Akhaya K. Mishra

CAT / 1 / 4

(A)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL


CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No. 222 1995

Kasirath Pradhan Applicant (s)

Versus

Union of India Respondent (s)

Sr. No.	Date	Order with Signature
	25/4/95	REGISTER  Registrar
1	28.4.95	Adjourned to 1.5.1995.
2	1.5.95	MEMBER (ADMINISTRATIVE) Heard. Admitted. Notice to respondents in four weeks.
3	4.7.95	VICE-CHAIRMAN MEMBER (ADMINISTRATIVE) Three weeks' time granted to file counter. Misc. Application 396/95 disposed of accordingly.
4	20.2.96	MEMBER (ADMINISTRATIVE) Shri Akhaya Mishra, learned Addl. Standing Counsel states that counter-affidavit has been filed and handed over to the learned counsel for the applicant. Since pleadings are complete, fix this case for hearing on 11.3.1996 with the consent of both the counsel.
5.	11.3.96	MEMBER (ADMINISTRATIVE) Heard Shri Prakash Mishra, learned counsel for the applicant. The applicant, in this application, seeks a direction to the Respondent No. 4, C.D.A. Pension, Allahabad (UP) to fix the amount of pension at Rs.630/-

J. P. O.
of Rs. 50/-
has been fixed
25/4

The applicant
has filed his
application
on 19.05.95 A.T.
Act, 1985. He
has prayed
for fixation
of his pension
& gratuity as
per C.D.A.
(Pension) Rules
1972.

25/4

May be placed
before Registrar
for registration
please.

25/4

25.4.95
S.O.

Registrar

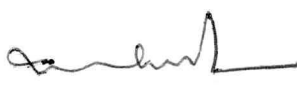
(2)

2

(A)

CA 222/95

Serial No. of Order	Date of Order	Order with Signature	
.....5	11.3.96	<p>per month on the basis of his last basic pay since the date of his retirement. He further prays for a direction to the Respondents to calculate his gratuity on the basis of the basic pay drawn at the time of retirement. He quantifies the gratuity payable to him of Rs. 20,880/- at the rate of $16\frac{1}{2}$ times of the last basic pay drawn.</p> <p>In the counter-affidavit, the main plea was taken that the cause of action arose in 1988. But since it is a recurring claim of pension, the period of limitation gets fresh lease from month to month. The applicant retired from Govt. service on 30.6.1988. On the date of retirement his basic pay was Rs. 1260/- per month. He was drawing his pay as Carpenter (HS -II) and he was promoted to this trade on 20.2.1987. On the basis of this basic pay Rs. 1260/-, his gratuity works out to Rs. 20,790/-. The applicant had already been paid Rs. 17,325/- and the balance amount payable to the applicant is Rs. 3,465/-. The Respondents agreed that the applicant's pension also would be fixed at Rs. 629/- per month and action has been taken to this effect. Since the demands of the applicant have been met,</p>	<p>Defect has been removed on 27.4.95.</p> <p>For registration please.</p> <p>Pub 27/4</p> <p>27.4.95 S.O.</p> <p>Registration</p> <p>For admission</p> <p>Pub 27/4</p> <p>08.10.92 dt. 1.5.95</p> <p>NO Fee issued to all respondents by Regt. Post with A.D.</p> <p>Pub 2/5</p> <p>27.4.95 S.O.</p>

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
.....511.3.96		<p>the only direction sought for by the learned counsel for the applicant is to fix a time frame and also to direct interest payment for the delay.</p> <p>In discussion with the learned Additional Standing Counsel (Central) Mr. Akhaya Kumar Mishra, it would be appropriate to fix a time frame of three months from the date of receipt of this order, before which date the applicant shall be paid pension at the revised rate from the date of his retirement as also the gratuity with interest of 12 per cent per annum.</p> <p>As a result, the application is allowed. There would be no costs.</p> <p style="text-align: right;"> Member (Admin.)</p>	<p>MA. 396/95 filed by Mr. Akhaya Ku. Mishra, A.S.C for time to file counter. Copy of MA. 396/95 has not been served on applicant's counsel. <u>File</u> 3/7 Beach. counter not filed. For further orders. <u>File</u> 24/7 Beach orders dt-19.7.95 4 weeks time granted to file counter. <u>Register</u> counter not filed. For further orders. <u>File</u> 17/7 Registrar</p>