

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Copy of counter  
by Regd No. 122  
not served.

Bench  
15/10/00

Respondent not filed

Regd No. 123  
Bench

Respondent not filed

Regd No. 124  
Bench

Respondent not filed

Regd No. 125  
Bench

Respondent not filed

Regd No. 126  
Bench

For Admissions

Regd No. 127  
Bench

For Admissions

Regd No. 128  
Bench

P. J. N. M.

Order dated 8.5.2001

Heard Shri P.K.Mohapatra, learned counsel for the applicant, Shri A.K.Bose, learned Sr. Standing Counsel for Res. 1 and 2 and Shri K.C.Mohanty, learned Govt. Advocate for Res. 4 and 5. It is submitted by Shri Bose that Accountant General, Orissa, Bhubaneswar (Res.3) is not a necessary party in this case. Respondent No.5 has not filed any counter. Counter has been filed by Res. No.4.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. In this petition the petitioner has prayed for a direction to respondents to release family pension with arrears and pension at the revised rate from 1.1.1996. The admitted position is that the applicant is a family pension holder from 31.1.1979. Copies of the Pension Payment Order are enclosed as Annexure-1 series. Departmental Res. 2 and 3 have mentioned in their counter that according to 5th Pay Commission recommendation the family pension of the applicant has been revised and brought to the level of Rs.1275/- and Sub-Treasury, Officer, Berhampur, Dist: Ganjam has been advised to make payment at the revised rate. Treasury Officer, Ganjam (Res.4) has filed counter stating that after creation of Gajapati District with the bifurcation of erstwhile Ganjam District a separate Treasury has been set up in Gajapati District at Paralakhemundi and the applicant can receive payment from R.Udaigiri Sub-Treasury. Applicant's case is that she was engaged in knitting sweaters and selling the same and for the purpose of marketing of such knitted sweaters she was away from 7.1.1986 till March, 1987 and thereafter when she came back the pension was not given to her.

As per rules, pensioners/family pensioners are required to submit certain declarations once in a year to the Treasury Officer, generally in the month of November. As these declarations were not furnished because of absence of the applicant from headquarters from January, 1986 till March, 1987, the pension has been stopped. The rules of course provide if a pension is far away from the office of pension disbursing authority, he/she can apply for along with necessary certificates for transmitting

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OA.152/2000

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pension to the present place of stay. But the applicant being ignorant of the service rules is obviously not aware of the position. In consideration of the fact that admittedly the petitioner is a family pension holder and her pension has also been revised as per the recommendations of the 5th Pay Commission, we hold that the applicant is entitled to all arrears of pension which have not yet been paid to her w.e.f. 1.1.1996, besides <sup>at</sup> the prevailing rate upto 31.12.1995. Respondent No.5 is, therefore, directed to obtain necessary declaration from the applicant and make payment of the arrears as also current pension at the higher level, as has been determined, within a period of 60(sixty) days from the date of receipt of this order. The petitioner is also directed to present herself before the sub-Treasury Officer, R.Udaigiri, with a copy of this order, within a period of 15 days from the date of receipt of this order.

With the above direction, O.A. is disposed of, but without any order as to costs.

MEMBER (JUDICIAL)

*Moorthy*  
VICE-CHAIRMAN  
8/5/00

Four copies of  
final order  
dt. 8.5.2001 issued  
to counsels for  
both sides. *Argu*  
*S. O.C.T.*  
*Re*  
*17-5-01*