

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

were issued on 3-A-2001 to appear and show cause today. Therefore the MA filed earlier seeking four weeks time is not maintainable. It is urged by the learned counsel, since the MA is for consideration today, time may be granted. As the MA is not maintainable at this stage, I reject the M.A.

No counter is filed. Put up before the Bench for further order.

26/5/2001

REGISTRAR

Counter filed - copy served. For further orders.

24/9/01

Bench

Rejoinder not filed.

Bench

26/7/2001

3/8

Rejoinder not filed.

26/7/01

Bench

05.03.08.01

Pleadings are complete. At request adjourned to 08.08.01 for hearing and final disposal at the stage of admission.

vice-Chancellor 3/8

Member (J)

06. Order dated 8.8.2001

Heard Shri D.P.Dhalasamant, the learned counsel for the petitioner and Ms.S.L. Patnaik, learned A.S.C. and perused the records.

In this O.A. the petitioner has prayed for a direction to respondents to sanction final pension ⁱⁿ her favour along with interest at the rate of 18% per annum. Respondents have filed their counter opposing the prayer of the applicant. After going through the pleadings of the parties we find that on the basis of the averments made by the respondents themselves in their counter, this O.A. has to be allowed.

According to respondents, the applicant was appointed on compassionate grounds as Sweepress under the respondents and she joined the said post on 31.8.1985. At the time of her appointment her date of birth was taken as 6.3.1930. Later on the date of birth was revised and changed to 6.3.1940 vide P.M.G.'s letter dated 17.6.1985. On attaining the age of superannuation of 60 years going by her date of birth as 6.3.1940, the applicant superannuated on 31.3.2000. Pending sanction of pension in her favour, she was granted provisional pension from 1.4.2000 to 31.12.2000. Thereafter the provisional pension was stopped and final pension was also not sanctioned in her favour. It is submitted by the respondents in their counter that during the inspection by D.D.A.

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ORDERS OF THE TRIBUNAL

Rejoinder to keep. Copy
 served. For further
 order.

Bench

MS
 2/8/2001

For admission and
 hearing.

Bench

MS
 2/8/2001

~~which he~~
 Postal Accounts objected to the correction
 of date of birth of the applicant. In view
 of this respondents have stated that they
 are making further enquiry into the matter.
 It is stated that if the applicant's date
 of birth is taken as 6.3.1930, then her date
 of retirement would be 31.3.1990, in which
 case she would have put in only less than
 five years of service, having been appointed
 on 31.8.1985 and therefore, she will not be
 entitled to pension. Because of this pension
 has been stopped.

We are amazed at the above logic
 adopted by the respondents in their counter.
 Going by the case of the respondents themselves,
 the applicant was appointed on 31.8.1985 and
 at that time her date of birth was taken as
 6.3.1930. It has been submitted by the learned
 counsel that in the appointment order issued
 to the applicant vide Annexure-1 of the O.A. -
 not denied by the respondents in their counter
 applicant's date of birth was written as
 6.3.1940. Be that as it may, according to
 respondents, applicant's date of birth was taken
 as 6.3.1930 and later on under the orders of the
 P.M.G. this was changed to 6.3.1940. Before
 changing the date of birth if it had been
~~earlier~~
~~correctly~~
 written as 6.3.1930, the respondents
 must have taken care to check up the correctness
 of the date of birth as 6.3.1940. As the date
 of birth has been revised as 6.3.1940 and
 accordingly the applicant has been allowed to
 superannuate on 31.3.2000, in the process she
 had rendered 14 years and some months of service.
 In view of this, we hold that the applicant is
 entitled to pension, and accordingly we direct
 the respondents to sanction final pension in
 favour of the applicant within a period of 90
 (ninty) days from the date of receipt of copies
 of this order.


So far as other aspect with regard to
 payment of 18% interest on arrears pension/
 provisional pension is concerned, we find that

J. S. M.

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in the fact and circumstances of the case there was some audit objection and thereby the finalization of pension might take sometimes. In view of this we do not think that this is a case where interest should be allowed on arrears pension amount. However, we direct, if final pension is not sanctioned in favour of the applicant within the time, as stipulated above, then from the date of expiry of the said period, interest at the rate of 12% (twelve per cent) will be payable to the applicant on the arrears of pension till the final pension is sanctioned in favour of the applicant.

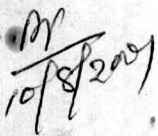
With the above observation and direction, this O.A. is allowed, but without any order as to costs.


MEMBER (JUDICIAL)


VICE-CHAIRMAN
8/8/2001

Face copy of order
dt. 8/8/2001 issued to
the counsel for both
sides.


S.O.


10/8/2001