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OA. 259701

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

A.D. from R-2  
not returned.

Notice duly  
served on other  
party.

Mr. B. Dash filed  
counter notice.

Adjourned to 18.12.01.

Mr. B. Dash filed  
appearance memo.  
counter not.

Adjourned to 25.01.02 for filing  
of rejoinder.

- 9.2001.  
Applicant is absent on call.  
B. Dash, Ld Asst had already  
filed Memo of Appearance for  
the Respondents on 25-7-2001.  
The Respondents on 25-7-2001  
said today he files one MA  
paying for 4 weeks time to  
be 10 months. Head. Time  
extended to file counter  
not to file counter notice.

24-9-2001.  
MA is disposed of accordingly.

10/9/2001

Counter not.

Adjourned to 18.12.01.

Adjourned to 18.12.01.

Adjourned to 18.12.01.

02. 05.11.01

Further four weeks time is allowed  
to file counter.

Adjourned to 18.12.01.

Vice-Chairman  
S/1

03. 18.12.01

Learned Counsel for the petitioner  
is on accommodation.

Adjourned to 25.01.02 for filing  
of rejoinder.

Vice-Chairman  
S/1

Member (J),  
S/1

04. 25.01.02.

At request four weeks more time is  
allowed to file rejoinder.

Adjourned to 06.03.02.

Vice-Chairman  
S/1

05. 06.03.2002

Heard Mr. Padhi Learned Counsel for the  
Applicant and Mr. B. Dash, Learned Addl. Standing  
Counsel for the Respondents.

The Applicant having faced retirement  
from Govt. service (on attaining 58 years of  
age in the afternoon of 31st March, 1995) got  
the Pensionary Benefits. The Department of

Mo.

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Dt. 24.9.2001.

Shri B. Desh, learned  
Adv. files one MA and  
prays for four weeks time  
to file counter on the  
grounds stated therein.  
Hearof. Time granted to  
file counter by 15.10.2001.

~~REGISTRAR~~  
24/9/2001

Counter not  
filed.

~~REGISTRAR~~  
12/10/2001

Dt. 15.10.2001

Shri B. Desh, learned  
Adv. files one MA and prays  
for four weeks time to file  
counter on the grounds stated  
therein. Hearof. Time granted  
till 5.11.2001 for counter.

~~REGISTRAR~~  
15/10/2001

Counter not  
filed.

For further  
orders.

~~Bench~~

Personal & Training (DOP&T) vide its Memo  
dated 14.7.1995 raised the benefit limit to  
2.5 lakhs from 1 lakh and added 97% of DA in  
the pay for the purpose of gratuity w.e.f.  
1.4.1995. The Applicant represented to the  
Authorities, time and again, to get the  
benefit as was made available w.e.f. 1.4.1995.  
The case of the Applicant was transmitted by  
the Respondent No.3 to the Respondent No.1  
on 30th June, 2000 and, by communication dated  
6.11.2000, the Respondent No.3 refused to grant  
the benefit made available in OM dated 14.7.1995  
to the Applicant. In the said premises, the  
Applicant filed this present OA for redressal  
of his grievances.

In the above premises, as to whether  
the benefit made available w.e.f. 01.04.1995  
can be extended to a Govt. Servant superannuated  
on 31.03.1995, is the issue in this OA. The  
said aspect of the matter was examined in  
OA No. 459/1997 by this Tribunal (at Mumbai  
Full Bench) in the case of Venkatram Rajgopalan  
Vrs. Union of India and Others and decided on  
15.10.1999 (as has been reported in Swami's  
News of June, 2000 at page 58-60) and in that  
case the Full Bench of this Tribunal held that  
the benefit introduced w.e.f. 01.04.1995 is also  
to be made available for the Govt. servants who  
faced normal superannuation in the afternoon  
of 31st March, 1995.

In the aforesaid view of the matter,  
the Respondents, herein, are directed to grant

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1. Counter filed - Copy  
 crossed out  
 2. Rejoinder not filed.

DS  
 14/7/01

Bench

Rejoinder  
 not filed.

Ratra  
 24/7/1 Bench

Rejoinder not  
 filed. Bench

Ratra  
 5/8

free copy of  
 the order dt. 6.3.02  
 given to the  
 both counsel.

Ratra  
 11/3

R  
 11/3  
 S.O

complete relief to the Applicant by extending the benefits as are available in OM dt. 14.07.1999 to the applicant within a maximum period of one month.

This O.A. is, accordingly, allowed but, in the circumstances, without any order as to costs.

Yashpal  
 06/03/2002

Member (Judicial)