

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

A.D. from R-2
not returned.
Notice duly
served on other
respondents.

~~Applicant~~
~~Mr. B. Dash~~
~~counter not~~
~~filed~~
Hq

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

- 9-2001.
Applicant is absent on call.
B. Dash, Ld Asst. had already
filed Memo of Appearance for
The Respondents on 25-7-2001
and today he files one MA
praying for 4 weeks time to
be granted. Heard. Time
granted to file counter
on 24-9-2001.
MA is disposed of accordingly.

~~MA~~
~~10/9/2001~~
Counter not
filed.
Hq

Registrar

02. 05. 11. 01

Further four weeks time is allowed
to file counter.
Adjourned to 18.12.01.

Vice-Chairman
S/11

03. 18. 12. 01

Learned Counsel for the petitioner
is on accommodation.
Adjourned to 25.01.02 for filing
of rejoinder.

Vice-Chairman
S/11
Member (T).

04. 25. 01. 02.

At request four weeks more time is
allowed to file rejoinder.
Adjourned to 06.03.02.

Vice-Chairman
S/11

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

Member (T)

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Dt. 24.9.2001.

Shri B. Dash, learned

Asc files one MA and prays for four weeks time to file counter on the grounds stated therein. Heard. Time granted to file counter by 15.10.2001.

24/9/2001
REGISTRAR

Counter not
filed.

24/9/2001
12/10

24/9/2001

Dt. 15.10.2001

Shri B. Dash, learned

Asc files one MA and prays for four weeks time to file counter on the grounds stated therein. Heard. Time granted till 5.11.2001 for counter.

15/10/2001
REGISTRAR

Counter not
filed.

For further
orders.

24/10 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
~~not received~~ 2nd copy
 2. Rejoinder not filed.
 DS Bench
 14/12/01

Rejoinder
 not filed.

~~PABA~~
 24/11 Bench

Rejoinder not
 filed. Bench
~~PABA~~
 5/3

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

~~PABA~~
 11/3

~~PABA~~
 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.

~~J. Anand~~
 06/03/2002
 Member (Judicial)