

3

O.A.NO.411 OF 2007

ORDER DATED 12.11.07

I have heard the Ld.Counsel for the applicant. Mr.S.K.Ojha, Ld.Standing Counsel is directed to take a copy of the O.A. to serve on the Respondents. Accordingly he has accepted and he is also directed to file a memo of appearance in the Registry.

2. The O.A. is filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:

- “(i) direct the respondents to calculate the pension as per the last basic emolument i.e. Rs.6,900/- and the pension be fixed accordingly and the arrear pension be paid with 12% interest;
- (ii) direct the respondents to release the rest amount of D.C.R.G. i.e. Rs.44,615/-, medical allowances and other pensionary benefits with 12% ;
- (iii) and may grant such other relief/reliefs he may be entitled in the facts and circumstances of the case.

3. The applicant is a retired employee of the Respondents. Since he could not get the retiral benefits, he has submitted his representation under Annexure-A/5 in which he has referred that he has received his gratuity benefit amount of Rs.1,69,300/- on 16.4.07. : As per the pay order, an amount of Rs.2,13,915/- has been granted. Out of which an amount of



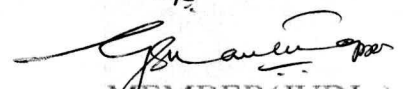
4

Rs.44,615/- was deducted. Applicant has a grievance of the balance amount which was deducted.

4. In the O.A. he has sought for the calculation of pension as per the last basic emoluments of Rs.6900/-. For this relief he did not requested the Respondents for calculation of his pension based on the basis emoluments of Rs.6,900/-

5. Since the representation is at Annexure-A/5 dated 16.4.07 is pending with the Respondents, I direct the Respondents to consider the said representation within a period of three months from the date of receipt of a copy of this order. In respect of the calculation of pension based on the basic emoluments of Rs.6,900/-, since the applicant did not made his representation, I direct the Respondents to consider the O.A. to be treated as representation and take a decision in accordance with the rules within the said period.

6. With the above direction, this O.A. is disposed of <sup>in the admission stage.</sup> <sub>ch</sub>

  
MEMBER(JUDL.)