

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 525 of 1993.

DATE OF DECISION 30-3-1993

P. Lakshmi Applicant (s)

M/s MR Rajendran Nair Advocate for the Applicant (s)

Versus
Zonal Accounts Officer,
Central Board of Direct Taxes Respondent (s)
Central Revenue Buildings
Kochi-18 and another.

Mr M Gopalan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

Mr AV Haridasan, J.M

The applicant, Smt P. Lakshmi, wife of late Shri Ramadas who died in harness while working as a Stenographer in the Department of Income-tax was appointed on compassionate ground as L.D.C. in the same department. She was recipient of family pension also. Her grievance is that for the reason that she is ~~not~~ employed, the respondents are with-holding the relief on family pension due to her. Aggrieved by that, the applicant made a representation on 1.3.93 at Annexure-I inviting attention of ~~the authorities~~ to the decision reported in 1992- 20 ATC 584 and in D.A. 719/92 in which the Tribunal had held that it was not

permissible to withhold the relief on family pension on the ground that ^{the} recipient is employed. Finding that the representation has not been disposed of and aggrieved by the further with-holding the relief, the applicant has filed this O.A. for a direction to the Respondent-1 to draw and disburse to her the relief on pension due to her alongwith arrears.

2 We have heard the counsel on either side. Normally, a person ~~should~~ ^{have} waited for six months after making a representation ^{to} approach this Tribunal. But, in this case it is because of the applicant's suffering on recurring loss that the applicant has filed this O.A. even before expiry of six months' period.

3 Learned counsel for the respondents gracefully agreed that the application can be admitted and disposed of by giving appropriate direction to the respondents to consider and dispose of the representation submitted by the applicant in accordance with law and in the light of the rulings of the Tribunal, if the applicant is similarly situated as the applicant in the case under citation.

4 In the light of the above submission by the learned counsel for the respondents, we are of the view that the application can be disposed of with appropriate direction. Hence, the application is admitted and the same is disposed of with direction to the Respondent-1 to consider the representation submitted by the applicant

at Annexure-I in the light of the rulings referred to in that representation and to give ~~her~~ a speaking order within a period of two months from the date of communication of a copy of this judgment.

5 There will be no order as to costs.



(R Rangarajan)
Administrative Member



(AV Haridasan)
Judicial Member

30-3-1993