

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 525/90
~~XXXXXX~~

199

DATE OF DECISION 11-7-1991

PI Sydney Roy

Applicant (s)

Mr PS Biju

Advocate for the Applicant (s)

Versus
Commandant, Artillery Static
Workshop, EME, Devlali and others

Respondent (s)

Mr George Joseph, ACGSC

Advocate for the Respondent (s) (Not
present)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadaan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Mr NV Krishnan, A.M

The applicant has prayed for the following reliefs.

(i) To give direction to finalise the pension and gratuity counting the service of the applicant including the service rendered by the applicant as LDC (Civilian) in the School of Artillery, Devlali, for the period from 30.7.1963 to 31.8.1967.

(ii) To give direction to the respondents to disburse pension and gratuity due to the applicant with penal interest at the rate of 18% within a specified time.

2 The applicant ~~who~~ was initially employed as an LDC in the School of Artillery, Devlali during the period from 30.7.63 to 31.8.67. Later on, he got employed under Respondent-1 in

September, 67. He has since voluntarily retired from service on 31.3.90.

3 The issue now for determination is about the pension granted to him. The period of service rendered by him from 30.7.63 to 31.8.67 in the School of Artillery has not been counted. Hence, this application has been made seeking a direction to the respondents to finalise his pension and gratuity after counting such period.

4 Respondents have filed a reply in which it is stated that until the said previous spell of service is accepted, the pension cannot be settled. It is also submitted that the Controller of Defence Accounts (Pension), Allahabad has asked for "No terminal benefits certificates" duly signed by the Pay and Accounts Officer of the office in which the applicant was employed then. It is also stated that if it ^{is} ~~was~~ not possible to furnish such a certificate due to non-availability of service documents, an affidavit affirming such facts would suffice. The reply states that necessary action in the matter is being taken.

5 When the matter come up for final hearing to-day, the learned counsel for the applicant drew our attention to the letter dated 21.8.90 (Annexure R1) to the Officer Commanding, Artillery Static Workshop, Devlali from where

he retired wherein also there is request for either the 'No terminal benefits certificate' or an affidavit.

6 The counsel also submits that during the pendency of this proceedings, the Respondents had asked him to file an affidavit in terms of Annexure R1. He produced before us a copy of a letter dated 22.3.91 sent by the applicant by Registered Post with A/D to Respondent-1. The first para of that letter states that the affidavit as desired is enclosed. A copy of the affidavit he sent was also produced for our perusal in which he has stated that he has not received by any terminal pensionary benefits of the earlier post.

Therefore, the counsel submitted that in the light of this new development, it would be sufficient if Respondent-1 is directed to consider this reply and settle the matter within a reasonable time.

7 None appeared on behalf of the respondents.

8 We are of the view that there can be no objection to acceding to the request of the applicant's counsel.

In the circumstances, we dispose of this application with a direction to Respondent-1 to consider the reply dated 22.3.91 sent by the applicant alongwith the affidavit and take steps, in consultation with Respondent-3, to

dispose of the pension case of the applicant within a period of 3 months from the date of receipt of this order.

9 The application is disposed of accordingly.

There will be no order as to costs.



(N Dharmadan)
Judicial Member

11-7-91


11-7-91

(N.V. Krishnan)
Administrative Member

11-7-1991