

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Original Application No.357/20065  
This the 7th day of July 2006.

**HON'BLE MR. P.K. CHATTERJI, MEMBER (A).**

Saira Bano, aged about 47 years, W/o Late Shri Sekh Niyamat Ali, resident of -532 A/38, Chaudhari Tola, Aliganj, Lucknow.

...Applicant.

By Advocate: Shri P. Kumar.

Versus.

1. Union of India through the Secretary, Ministry of Commerce, New Delhi.
2. The Director (CR), Office of Development Commissioner (H), Kendriya Bhawan 7<sup>th</sup> Floor, Sector-H, Aliganj, Lucknow.
3. Senior Pay & Accounts Officer, Government of India, Pay & Account Office, Geological Survey of India (Northern Region), Aliganj, Lucknow.

.... Respondents.

By Advocate: Shri V. Raghav for Shri S. Sharma.

**ORDER (Oral)**

1. The present application is made against the inaction on the part of the respondents in not computing / forwarding the working period rendered with the Respondents No.1 and 3 by the Late husband of the applicant which resulted in wrong fixation of family pension.
2. The facts of the case in brief are as follows:

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The applicant's husband Late Sekh Niyamat Ali was appointed on the post of Craftsman w.e.f. 02.03.1976 at Sohagi Varanasi. From that date till his death on 17.09.2003 Late Sekh Niyamat All was posted at various places under orders of appropriate authority of the department. Shri Sekh Niyamat All died suddenly on 17.09.2003. Thereafter, the applicant was paid the pensionary dues in respect of her late husband only partly in respect of the amount towards GIS, Insurance, Leave encashment and that too after a lot of persuasion. The applicant preferred a representation on 29.09.2004 for payment of gratuity and family pension. On receipt of representation the authority released the payment of gratuity by an order dated 21.10.2004. When the respondents issued the family pension order, the applicant noticed that the entire service rendered by her late husband with Respondents No. 1 and 2 was not reckoned while computing the family pension. After receiving the pension order, the applicant made a representation on various occasions, lastly on 20.06.2005 to the Respondents No. 1 and 2 for forwarding the entire service period of the applicant to Respondent No.3 so that the aforesaid period could be reckoned for pensionary benefits. As this was not done and the period was not taken into consideration, this has resulted loss in pensionary benefits. It was also alleged by the applicant that Respondents No.1 and 2 forwarded the service record only from 12.04.1982 to 01.1.1985, whereas, Shri

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Sekh Niyamat Ali had worked for several more years between 1976 with Respondents No. 1 and 2.

3. With the aforementioned averments, the relief's of the applicant are as follows:

" A. To forward the entire service period, rendered by the applicant's husband, to respondent No.3.

B. To revise the pensionary benefits after computing the entire service rendered with the respondent no. 1 and 2 alongwith interest at the rate of 18% per annum on delayed payment of terminal benefits till the date of actual payment.

(C ) Any other relief, which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case, may also be passed.

(D). Cost of the present case".

4. It is noticed that inspite of giving several notices to the respondents Counter-Affidavit was not submitted on behalf of the respondents.
5. On 21.03.2006, a short Counter-Affidavit has been submitted on behalf of the Respondents No. 1 and 2. In the short Counter-Affidavit, the Respondents No. 1 and 2 have submitted that on the basis of documents furnished by the applicant a letter No. 25-19/95-FAC/3673 dated 23.08.2005 was issued by them after verifying and certifying the services of late husband of the applicant from 05.02.1976 to 11.04.1982, a copy of the letter was furnished as Annexure-CR-1 to the short Counter-Affidavit.
6. Heard both the sides on 07.07.2006. It has been alleged by the learned counsel for the applicant that inspite of giving so

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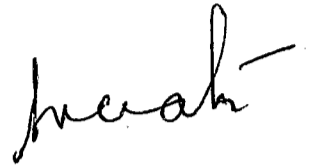
much time and inspite of Respondents No. 1 and 2 completing their jobs no action has been taken by Respondent No.3 for finalizing the pensionary dues of Late Sekh Niyamat Ali. Since the dues of Late Sekh Niyamat Ali for the material period has not been called into question by the applicant, it was considered not necessary to waste no more time by way of Counter-Affidavit on behalf of Respondent No.3, as the dues should already have been finalized long back.

7. Last extension of time for filing Counter-Affidavit up to 07.07.2006 was granted. It is noticed that inspite of this order Counter-Affidavit has not been filed. It appears that the respondents have not taken the matter seriously. In view of the fact that respondent No. 1 and 2 had complied with their job by furnishing the calculation regarding the pension dues of the respondent No. 3 on 23.08.2005 and almost one year has expired since then the respondent No. 3 should have completed his job and dispose of this long pending pension case within this period. In the absence of Counter-Affidavit It is presumed that they have accepted the contention of the OA. On the basis of relief sought by the applicant it is hereby ordered that calculation of dues should be completed on the basis of verified records furnished by the respondents No. 1 and 2 within a period of one month from the date of receipt of copy of this order. Interest on the arrears of the pension due to the applicant calculated in this way shall be paid to the applicant at the same rate as the

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interest available for GPF pertaining to the date of his retirement.

8. With this order this OA is disposed of. No cost.



(P.K. CHATTERJI)  
MEMBER (A)

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