

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No. 188/2006

This, the 21st day of August, 2009

HON'BLE DR. A. K. MISHRA, MEMBER (A)

1. Smt. Sudha Rastogi, aged about 58 years, wife of late Sri Pramod Kumar Rastogi.
2. Km. Bhavna Rastogi, aged about 32 years, D/o late Sri Pramod Kumar Rastogi.
3. Himanshu Rastogi, aged about 28 years, S/o Late Sri Pramod Kumar Rastogi.
All resident of 20, Saryu Vihar, Wazirganj Japti, Faizabad.

Applicant.

By Advocate Sri A Ashfaq.

Versus

1. Union of India through Secretary
(i) Ministry of Defence, South Block, New Delhi.
(ii) Ministry of Finance, North Block, New Delhi.
2. Engineer in Chief Army HQ, Kashmir House, New Delhi.
3. CWE Allahabad Cantt, Allahabad.
4. CWE Ranchi Deepatoli Cantt, Ranchi
5. C.D.A. Pension, Allahabad.
6. C.D.A. Fund, Meerut Cantt, Meerut.
7. G.E. faizabad (MES) Faizabad Cantt, Faizabad.
8. Manager, Punjab National Bank, Chowk Branch, Faizabad.

Respondents.

By Advocate Sri S.P. Singh.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

Heard both the parties.

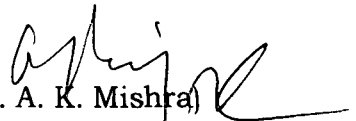
2. Learned counsel for the applicant submits that even though he was entitled to fixed medical allowance @ Rs. 100/- per month in addition to his pension, the amount has not been paid to him on technical grounds. I went through the order passed by respondent No. 3 dated 2.3.2006. The comments relating to entitlement of medical allowances reveal that the applicant was entitled to this amount in terms of Government instructions dated 19.12.97. But the amount was not released by PCDA on the technical ground that the option of the applicant was not available. Since, the applicant has already died in the



meantime, I direct that this requirement may be dispensed with and the legal heirs of the applicant may be paid the medical allowances to which the deceased employee was entitled till his death.

2. Further, the demand of 6710/- with interest from the date of drawal of advance may also be waived in view of the fact that the applicant is no more. The applicant's counsel submits that with this he would not raise any further claim in the matter.

3. The O.A. is disposed of with the above directions. No costs.


(Dr. A. K. Mishra)
Member (A)

v.