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Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 492/2007

This the 17th day of April, 2009

Hon'ble Mr. M. Kanthaiah, Member (J)

Smt. Ram Dulari, W/o late Sri Bansi Lal, R/o 554 GA/87 Damoder
Nagar, Alambagh, Lucknow.

.....Applicant

By Advocate: Sri R.K. Saxena

Versus

1. Union of India, through the Secretary, Ministry of Defence,
New Delhi.
2. The Commanding Officer, Central Command, Signal
Regiment Lucknow.
3. Records Officer, Sena Seva Corps Abhlek, (Pashu
Parivahan), ASC Records (AT), Paharpur, Gaya.
4. The Treasury Officer, Lucknow.

.....Respondents

By Advocate: Sri S.P. Singh for Dr. Neelam Shukla

ORDER

The applicant has filed the Original Application with a prayer to issue directions to the respondents for payment of arrears of pension to the applicant with interest @ 18% per annum on the ground that the respondents have stopped the pension without giving an opportunity of hearing, which is against the principles of natural justice and as such the respondents have acted in a most arbitrary manner.

2. The respondents have filed Counter Affidavit denying the claim of the applicant stating that the applicant is not entitled for two pensions.

3. Heard.

4. The point for consideration is whether the applicant is entitled for the relief(s) as prayed for.

5. Admitted facts of the case are that the husband of the applicant late Bansi Lal worked as Chowkidar in Central

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Command Signal Regiment Lucknow from 23.7.1979 and died on 14.5.1984. After death of Sri Bansi Lal, the respondents have sanctioned pension to the applicant at Rs. 92/- per month w.e.f. 15.5.1984 and also DCRG to the tune of rs. 4587.85/-. Prior to his appointment in the respondents' office, the deceased employee served and retired from Military service and as such the widow of the deceased was sanctioned family pension at Rs. 84/- per months. But from 4.3.2002 the respondent no.4 stopped the pension of Rs. 84/- on the ground that two pensions is not payable to one deceased employee. Thereafter the applicant made representation claiming arrears of pension from 1.1.1996 to 4.3.2002 stating that she is entitled for revision of pension of Rs. 84/- to Rs. 100/-. Annexure-2 dated 9.12.2000 and Annexure-3 dated 13.1.2002 would show that the applicant made representations for payment of difference amount of pension from Rs. 84/- to Rs. 100/- from 1.1.1996 to 4.3.2002.

6. The respondents have filed their Counter Affidavit stating that the applicant is not entitled for two pensions and as such the respondents have stopped payment of pension of Rs. 84/- per month from 4.3.2002 and thus opposed the claim of the applicant.

7. When the claim of the applicant in respect of differential amount of pension from Rs. 84/- to Rs. 100/- per month from 1.1.1996 to 4.3.2002 is pending before the respondent-authorities and admittedly she made representations to the respondent no.4, which are still pending and in such circumstances, O.A. is disposed of with direction to the respondent nos. 2 to 4 to consider and dispose of the pending representation of the applicant by passing a reasoned and speaking order within a period of three months from the date of supply of a copy of this order. The applicant is also directed to supply a copy of the aforesaid representations alongwith a copy of this order to the respondent nos. 2 to 4. No costs.


(M. Kanthaiah)
Member-J

17-04-2008