

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO:90/2008

Lucknow this, the 10th day of MARCH, 2008.

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN

Smt. Madhuri Bhatnagar,
Aged about 70 years,
Wife of Late Sri R.C. Bhatnagar,
Resident of MS-65 Sector 'D' Aliganj,
Lucknow.

Applicant.

By Advocate: Shri S. Bhatnagar.

Versus

1. Union of India, through Secretary,
Ministry of Environment & Forest,
Paryavaran Bhawan, C.G.O. Complex,
Lodhi Road, New Delhi.
2. State of U.P., through Principal Secretary,
Department of Forest,
Civil Secretariat,
Lucknow.
3. Principal Chief Conservator of Forests,
17, Rana Pratap Marg,
Lucknow.
4. The Director (Pension),
State of U.P., Pension Directorate,
Indira Bhawan, Lucknow.

Respondents.

By Advocate: Shri Sudeep Seth for Respondent No. 2,3 and 4.
Shri S. P. Singh for Respondent No. 1.

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

With the consent of parties counsel, matter is being disposed of at admission stage.

2. Late Shri R.C. Bhatnagar, applicant's husband, was initially a member of State Forest Service. He retired on 30.6.1991 and thereafter expired on 22.4.2004. There is no dispute that Government of India vide

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its order dated 6.10.2005 (Annexure 3), gave him notional promotion to the cadre of Indian Forest Service w.e.f. 31.12.1987 and in turn, the Government of U.P. issued office memorandum dated 7.11.2005 (Annexure 2) giving effect to the above promotional orders. Vide letter dated 15th December 2006 (Annexure-7), the pay of late Sri Bhatnagar was fixed in I.F.S. cadre w.e.f. the date mentioned in the order of government of India till the date of his superannuation, asking the Principal Conservator of Forest to take necessary steps at this level for revision of pension and family pension accordingly. The Principal Chief Conservator forwarded all the relevant papers to the Government vide its letter-dated 6.2.2007. The Government of U.P. issued necessary directions to the Director Pension vide its letter-dated 22.3.2007 (Annexure 9). It appears from perusal of letter-dated 2.8.2007 (Annexure 10) that the Directorate of Pension ^{is raising} ~~raised~~ objections against the revision of pension and family pension. They are raising a question as to whether late Shri Bhatnagar or his widow will be entitled to actual ^{benefits} ~~benefits~~ monetary pursuant to the notional orders of the promotions

3. I am of the view that the objections raised by the directorate are totally uncalled for and unjustified. Firstly, the directorate has not referred to any rule or the government order which supports their objection. Secondly, when late Shri Bhatnagar, was given notional promotion from a retrospective date and he superannuated on due date, ^{then} in all fairness, he should be entitled to the monetary benefits of that promotion at least from the date he retired and his widow should be entitled to actual monetary ^{pension} ~~benefits~~ in the family from the due date.

4. So this O.A. is finally disposed of with a direction to Respondent No. 4 namely the Director (Pension), State of U.P., Pension Directorate, Indira Bhawan, Lucknow, to revise the pension of late Shri Bhatnagar accordingly and the family pension as well, from the due date in the light

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of the observations made above within a period of 2 months, from the date a certified copy of this order is produced before him. No order as to costs.

[Handwritten signature]
10.3.00

(Khem Karan)
Vice Chairman.

v.