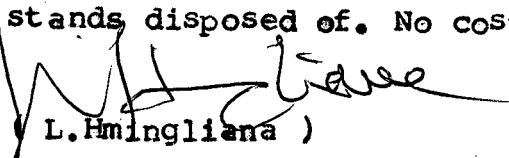


family pension is not admissible to the applicants in terms of the order passed in the aforesaid O.A.s., and as confirmed by the Hon'ble Supreme Court. He contended that the applicants were required to opt for the family pension scheme of the Central Govt. in terms of office memorandum dated 18th July 1989 (Annexure-A/2'B') of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension and P.W., which they have not done so far. The learned counsel for the applicants on the other hand, submits that the applicants have already exercised their options, vide Annexure-A/11, which have been forwarded to the Provident Fund Commissioner. The learned counsel for the applicants relied upon the decision of the Hon'ble Supreme Court in Staff of T.N. & Ors. Vrs. V.S. Balakrishnan & Ors., reported in 1994 ATC (28) SC page 125, and contended that the applicants are entitled to the benefits of family pension as has been held thereon. The denial of the family pension to them is not reasonable.

3. Considering the aforesaid settled position under law, the respondents are directed to pass appropriate orders in respect of grant of pro-rata pensionary benefits as well as family pension to the applicants as admissible under rules within a period of six months. The applicants are also held entitled to 12% interest on the arrear amount of pro-rata pension/family pension after three months from the due date. With the aforesaid direction, the O.A. stands disposed of. No costs.


L. Hmingliana)

M.S.

Member (Admn)


(Lakshman Jha)
Member (Judicial)