

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 426 OF 2006

[Patna, this Thursday, the 15th Day of March, 2007]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Chandeshwar Yadav,
S/o Late Baburam Yadav.

Vs.

The Union of India through the Secretary, Govt. of India,
M/o Communication, Deptt. Of Posts, New Delhi
& Four Ors.

Counsel for the applicant:- Shri S.K.Tiwarey.

Counsel for the respondents. :- Shri Rajesh Kumar, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard the learned counsel for the applicant as well the learned Addl. Standing Counsel for the respondents.

2. The applicant was an employee under the respondents and had superannuated w.e.f. the afternoon of 30.06.2005. It will appear that there had been a mass strike in the year 2000 in which the applicant also appears to have participated causing unauthorised absence of 13 days. The prayer of the applicant was to condone this absence vice Govt. of India instructions in Annexures-A/5 & A/6 and to treat the qualifying services of the applicant as nine years nine months, i.e., ten completed years under the rules, for pensionary benefits. The prayer was also to fix and grant pension w.e.f. 01.07.2005 as well for family pension and other pensionary benefits.

3. The written statement has been filed annexing Annexure-R/1



which is an order issued by the Superintendent of Post Offices, Aurangabad
 in
 Division, Aurangabad which the period of interruption [on account of
 strike] from 05.12.2000 to 17.12.2000 has been condoned in case of the
 applicant for the purposes of pensionary benefits.

Therefore, it is agreed that now, with this order which is dated 03.01.2007, the applicant has become entitled to pension w.e.f. the date of his superannuation.

4. In that view of the matter, this case needs to be disposed of as the parties are no longer at issue.

In terms of order of the respondents at Annexure-R/1 to the written statement dated 03.01.2007, this application is disposed of with directions to the respondents to calculate the pensionary benefits to the applicant accruing vice order at Annexure-R/1 and to pay the same to him, including other pensionary benefits and family pension, within three months of receipt of a copy of this order. If the arrears of the pensionary benefits are not paid by this date, that would be payable with interest @ 9% p.a. to be calculated from the date the period as given above expires, till those are paid.

5. With the aforesaid directions, this application is disposed of.



[P.K.Sinha]/VC

skj.