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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 399/88
~~W.A. No.~~
X

198

DATE OF DECISION 25.3.1991

Mr. Digamber Trimbakrao Joglekar, Petitioner

Mr. E. K. Thomas Advocate for the Petitioner(s)

Versus

Union of India and Food Corp. of India, Respondent

Mr. A. I. Bhatkar for Mr. M. I. Sethana. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. SRIVASTAVA, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
NEW BOMBAY

ORIGINAL APPLICATION NO. 399/88

Mr. Digamber Trimbakrao Joglekar, 32,
Nav-Nirman Housing Society, Rana Pratap
Nagar, Nagpur-22

.... Applicant

Vs.

1. Union of India through
the Secretary to the Ministry of
Food and Civil Supplies, Food
Department, New Delhi.

2. Food Corporation of India through
Regional Director (Food), Bombay

.... Respondents

CORAM : Hon'ble Shri U.C. Srivastava, Vice-Chairman,
Hon'ble Member Shri M.Y. Priolkar, Member (A)

Appearances:

Mr. E.K. Thomas, Adv,
for the applicant

Mr. A.I. Bhatkar, Adv. f. M. I. Sethana,
for the Respondents.

ORAL JUDGMENT

DATED : 25.3.1991

(PER : U.C. SRIVASTAVA, Vice-Chairman)

This amendment application No.180/91 is filed by the applicant demanding interest at the rate of 12% per annum on Rs.34,501/ for the period of 10 years. The amendment application is allowed.

The applicant who is retired from Military Department has put in 13½ years of service in the Defence. The applicant has filed his application for counting of the service rendered by the applicant in Defence department of about 13½ years for full terminal benefits towards fixing of pension etc in Civil Services.


(11)


and also for revision and refixing the existing pension with all terminal benefits after considering and counting the defence service, and to pay the arrears which may accrue by the said revision and refixation. He also further prays that the letter dated 5th February 1985 issued by the respondent -1 be quashed.

3. As per letter dated 6th September 1990 from the applicant he was conveyed that his military service for the period from 27.7.1942 to 31-3-1956 has been considered ~~for~~ the grant of pension, and that he has already received the revised service pension as per above order. But he was required to pay ^{percent (6%)} Six percent interest on the refund of gratuity amount for the whole period after his discharge from military service of about 33 years to the Defence department and this has been paid by the applicant for the benefit of counting of military service for the purposes of pension for the period of 13½ years.

4. Taking into consideration this development in the circumstances of this case, we are of the view that the respondents should pay interest at the rate of 6 percent to the applicant for the period of ^{six} ~~three~~ years on Rs.34,501/- which is the amount of arrears paid on revision of pension and gratuity.

5. With this direction. O.A.No.399/88 is disposed of.


(M.Y. PRIOLKAR)
M(A)


(U.C. SRIVASTAVA)
VC