

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 910/96

Date of Decision: 5.6.97.

Smt. Gayatri S. Das ... Applicant

Shri S.P. Saxena ... Advocate for  
Applicant

-versus-

Union of India and others. ... Respondent(s)

Shri R.K. Shetty. ... Advocate for  
Respondent(s)

CORAM:

The Hon'ble M.R. Kolhatkar, Member (A)

The Hon'ble

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ?

M.R. Kolhatkar

(M.R. Kolhatkar)  
Member(A)

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY: 1.

Original Application No. 910/96

Thursday the 5th day of June 1997.

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

Smt. Gayatri S. Das  
W/o Shri S.C. Das.  
residing at Flat No. 205,  
Mehta Towers, Followers Road,  
Kirkee, Pune.

Shri T.K. Das.

... Applicants.

By Advocate Shri S.P. Saxena.

V/s.

The Union of India through  
the Secretary,  
Ministry of Defence,  
DHQ, PO New Delhi

The Director General of  
Ordnance Services,  
Master General of  
Ordnance Branch  
Army Headquarters,  
DHQ, PO, New Delhi.

The Commandant  
Ammunition Depot  
Dehu Road,

The Controller of  
Defence Accounts  
(Pension), Allahabad.

... Respondents.

By Advocate Shri R.K. Shetty,

O.A. D.E.R (ORAL)

Per Shri M.R. Kolhatkar, Member (A)

This O.A. was filed on 16.8.96. The original applicant expired on 16.9.96. The O.A. therefore has been permitted to be prosecuted by the legal heirs who were brought on record under Tribunal's order dated 9.1.97.

2. The prayer made in this O.A. is for counting the period of service rendered by the

deceased husband of the applicant under Army alongwith his service under the respondent No.3 for the purpose of calculating all the pensionary/retirement benefits, including the family pension. It is not in dispute that the applicant's husband was regularly appointed in Army Medical Corps. with effect from 25.10.1950 to 18.5.1959. He was re-employed under respondent No.3 on 16.8.59 and superannuated on 28.2.90. It appears however that counting of Army service was not allowed owing to certain formalities. From the reply of respondent dated 24.1.96 it is clear that the late Government servant had given a certificate of non payment of pensionary benefits and the option given by Government servant on 19.4.88 has been treated as a valid one. Therefore there is no difficulty in counting the Army service rendered for calculation of pension and family pension. It appears that further action was not taken because the matter was under correspondence by the late husband of the applicant and the department and also subsequently the O.A. having been filed, the department appears to have stayed their hand.

3. In the circumstances this O.A. can be disposed of by giving appropriate directions. The respondents are directed to re-calculate the pension of the deceased employee and family pension of the applicant after taking into account the Army service rendered by the applicant's husband. After re-calculating the pensionary amount the respondents should also re-calculate all other pensionary/retirement benefit of the late Government employee and make the payment of the same including arrears of pension to the applicant. The family pension

: 3 :

should be re-calculated and arrears of the same should also be paid. The action should be completed within a period of four months from the date of receipt of this order.

4. So far as payment of interest is concerned, it appears that the Government was pursuing the case till they received the communication on 21.1.96 and the respondents had passed on the same to the applicant's husband who had asked for a copy of another Army circular and the O.A. came to be filed on 16.8.96. In the circumstance I am not inclined to grant any interest. The O.A. is disposed of accordingly. No order as to costs.

*M.R.K. Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

NS