CENTRAL ADMINISTRATIVE TRIBUNAL MUMBAI BENCH.

Original Application No.589/2001.

Tuesday, this the 21st day of August, 2001.

The Hon'ble Shri Justice Ashok Agarwal, Chairman, The Hon'ble Shri G.C.Srivastava, Member (A).

Gopalrao Raghavendrarao Sansthanik, B/14, 3 Star Co-op. Society, V.P.Road, Dombivli. (By Advocate Shri G.S.Kodiyal)

... Applicant.

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- 1. Joint Director,
 Subsidiary Intelligence Bureau,
 MHA, Government of India,
 C-23, E-Block,
 Bandra Kurla Complex,
 Mumbai 400 051.
- The Accounts Officer (Pension), Pay and Accounts Office, IB, MHA, New Delhi.
- Joint Secretary (Administrative & P.G.), Ministry of Home Affairs, Government of India, North Block, New Delhi.

... Respondents.

: ORDER (ORAL) :

Shri Justice Ashok Agarwal, Chairman.

Heard Shri G.S.Kodiyal, Counsel for the applicant.

2. Applicant, joined the Subsidiary Intelligence Bureau in the Pay and Accounts Office on 1.1.1956, retired on superannuation on 31.3.1995 (A.N.) after having put in 39 years and 4 months of service. At the time of retirement, he was holding the post of Accounts Officer in the Gr. of Rs. 2000-3200 while he was drawing basic salary of Rs.2,450/-. Based on the circular of 14.7.1995, applicant claims enhanced Gratuity and pensionery benefits. As far as the Circular of 14.7.1995 of the Government of India is concerned, applicant has been unable to

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procure a copy thereof, he has accordingly relied upon a Resolution of 25th September, 1995 of the Government of Maharashtra, which provides for similar benefits as has been granted by the Government of India's Circulars of 14.7-1995. It will, however, not be possible to give a proper reading on the subject unless, the Circular of Government of India is made available.

As far as the present claim is concerned, applicant has made two representations to Respondent No.3 one of 12th March, (at page 23 Exh. 'F' and the other of 8.5.2001 (at page 25 has so far been taken or Exh. 'G'). No decision thereon In the circumstances, we find communicated to the applicant. that interest of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices, with a direction to R-3 to communicate his decision on aforesaid representations to the applicant expeditiously and within a period of six weeks from the date of service of this is further directed to annex along with order abovenamed. his order a copy of the Circular of 14th July, 1995 on the Present OA, is disposed of with the subject. directions.

CHAIRMAN

(G.C.SRIVASTĀVA)

MEMBER(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT MUMBAI

DRIGINAL APPLICATION NO. 589 OF 2001

DISTRICT - MUMBAI

SHRI.GOPALRAO RAGHAVENDRARAO SANSTHANIK

... FETITIONER

VS.

JOINT DIRECTOR
 Subsidiary Intelligence Bureau

MHA, Government of India C-23, E-Block, Bandra - Kurla Complex, Mumbai - 400 051

THE ACCOUNT OFFICER (PENSION)

Pay & Account Office, IB, MHA, New Delhi.

3. JOINT SECRETARY (ADMINISTRATIVE & F.G.)

Ministry of Home Affairs Government of India, North Block, New Delhi

... RESPONDENTS

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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ORIGINAL APPLICATION NO. 589 OF 2001

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DISTRICT - MUMBAI

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Subsidiary Intelligence Bureau

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Pay & Account Office,
IB, MHA,
New Delhi.

JOINT SECRETARY (ADMINISTRATIVE & P.G.)

Ministry of Home Affairs

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STORIGINAL APPLICATION NO.

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14.7.95 Government of India issued circular OM

7.1.95 - P & PW (F) regarding treatment

of dearness allowance for calculating

Gratuity for those who retired on 1.4.95

by enhancing dearness afrom 20% Ato 69.7%

15.10.99 The Judgment of Central Administrative

Tribunal of full bench clearly mentioned

End 10.10 10.00 1

19.11.99 The Petitioner represented his case for her the favourable action and relief to the Respondent No.1

The Respondent No.I agreeing to .a.a & aztroarcruimen a vocategosa autot 31.5.2000 contention of the Petitioner wrote Trift of which the country of letters top Respondenta No. II stationed at 101.00 0011 Delhi: Respondent No.II rejected the request by saying that the order 14.7.1995 clearly mindicates that the benefit is for those who retired on 1.4.1995 only and he has not received any orders from Government to give benefit of this order to those who retired 31.3.1995 (AN) but however directed The members of Alberta accessed to the contractions $C \rightarrow C$. . . Petitioner to approach Ministry ۵f 50 TeaM रेटकोगणम्**छल्य आ**र्ग Fersonnel Public Grievances rearrant filtrage sentil a month property and Petitioners' Welfare.

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- 12.10.2000 The Petitioner represented his case for remedial action to the authority mentioned above and requested for issue of orders to give benefits to those Government servants who have retired on 31.3.95 (AN) to Respondent No.II who in turn will give orders to Respondent I. The Ministry of Personnel Public grievances and Petitioners welfare asked the Petitioner to approach Respondent no.III.
- 12.03.2001 The Petitioner represented his case to Respondent No.III on 12.3.2001 and again on 8.5.2001 but no reply was received by him so far and hence this original application praying for.
 - i) for suitable order /direction from this Hon'ble Tribunal to make applicable order dated 14.7.95 to those who retired on 31.3.1995 (Super Annuation)
 - ii) Cost of this Petition.
 - iii) Interest on outstanding amount @ 18% p.a.
 - iv) The necessary pensionary
 benefits.

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v) any other order necessary in the . Interest of Justice.

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Date :- 02.8.200). Advocate for the Petitioner

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