

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.Kodiya)

...Applicant.

v.

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

...Respondents.

: O R D E R (ORAL) :

Shri Justice Ashok Agarwal, Chairman.

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


2. *Applicant* ^{who had} 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 pensionary benefits. As far as the Circular of 14.7.1995 of the Government of India is concerned, applicant has been unable to

...2.

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 ^{ruling} ~~reading~~ on the subject unless, the Circular of Government of India is made available.

3. As far as the present claim is concerned, applicant has made two representations to Respondent No.3 one of 12th March, 2001 (at page 23 Exh. 'F' and the other of 8.5.2001 (at page 25 Exh. 'G')). No decision thereon has so far been taken or communicated to the applicant. In the circumstances, we find 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 the aforesaid representations to the applicant expeditiously and within a period of six weeks from the date of service of this order. ~~abovenamed.~~ ^{R-3} It is further directed to annex along with his order a copy of the Circular of 14th July, 1995 on the subject. Present OA, is disposed of with the aforesaid directions.


(G.C. SRIVASTAVA)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

B.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT MUMBAI

ORIGINAL APPLICATION NO. 589 OF 2001

DISTRICT - MUMBAI

SHRI.GOPALRAO RAGHAVENDRARAO SANSTHANIK

...PETITIONER

VS.

1. JOINT DIRECTOR
Subsidiary Intelligence Bureau

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

2. THE ACCOUNT OFFICER (PENSION)

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

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

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

...RESPONDENTS

I N D E X

Sr.Nos.	Particulars	Pages
1.	Copy of Synopsis	A to D
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4.	Exhibit B Copy of the Subordinate Appellate	12
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9.	Exhibit G Copy of the Date 8/5/00	25

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...RESPONDENTS

SPYAN OIR S I S

Date of receipt for receipt of Events.

31.3.95 The Petitioner retired from the services of the Respondent No. I on Super Annuation. The petitioner was paid Gratuity taking in to account 20% of dearness allowance.

Amrinder

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Ministry of Home Affairs
Government of India, North Block,
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...RESPONDENTS

BY N. O. P. S. I. S.

Date of Events

31.3.95 The Petitioner retired from the services
of the Respondent No.1 on Super
Annuation. The petitioner was paid
Gratuity taking in to account 20% of
dearness allowance.

Amir

B

- 2 -

14.7.95 Government of India issued circular OM
14.7.1995 - P & PWJ(F) regarding treatment
of dearness allowance for calculating
Gratuity for those who retired on 1.4.95
by enhancing dearness from 20% to 97%.

15.10.99 The Judgment of Central Administrative
Tribunal of full bench clearly mentioned
that Government servant who has retired
on Super annuation on 31.3.1995 afternoon
is deemed to have retired on 1.4.95.

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

31.5.2000 The Respondent No.I agreeing to the
contention of the Petitioner wrote a
letter to Respondent No.II stationed at
Delhi. Respondent No.II rejected the
request by saying that the order dated
14.7.1995 clearly indicates 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 on
31.3.1995 (AN) but however directed the
Petitioner to approach Ministry of
Personnel Public Grievances 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.

Handwritten signature

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

Mumbai

Date :- 02.8.2001. Advocate for the Petitioner

Amol