

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 4th FEBRUARY, 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao MEMBER(J)

Hon'ble Shri L.H.A.Rego MEMBER(A)

APPLICATION No. 874/86(F)

Dr.Mrs.Nalinakshi Nirmal,
No.26, Staff Quarters,
M.C.C.Campus,
Tambaram,
Madras - 600 059.

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APPLICANT

(Dr.M.S.Nagaraj

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Advocate)

V.

The Accountant General,
Accounts & Entitlements,
Bangalore - 560 001.

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RESPONDENT

(Shri M.Vasudeva Rao

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Advocate)

This application has come up before the court today. Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

O R D E R

The applicant is the daughter of Sri Neelakantan, who worked as selection grade Clerk in the office of the Accountant General, (AG), Karnataka State and retired on 10.1.71. Her father was aggrieved by his retirement in as much as he had joined service in the erstwhile state of Mysore on 1.3.1933, by virtue of which the date of his retirement should have been 10.1.1973. He, therefore, filed a suit in the competent court and obtained a decree, whereunder his date of retirement was determined as 10.1.1973 and he was given the consequential benefit of pay upto that date. The decree of the civil Court was complied with by the AG. The applicant's father, passed away on 20.5.1985 and his daughter preferred a

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claim with the respondent regarding additional benefits such as pension but the same was not acceded to. The daughter has, therefore, filed this application.

2. Dr.M.S.Nagaraja, learned counsel for the applicant, contends that there was no justification on the part of the respondent to deny the claim of his client regarding additional pension and terminal benefits, which were due to her father during his life time since the claim flows out of the decree passed by the Civil Court.

3. Sri M.V.Rao, learned counsel for the respondent, submits that no such claim has been decreed by the civil court and as such the applicant is not entitled to the benefits of additional pension etc., than what was actually decreed by the civil court.

4. We have considered the rival contentions carefully. The Central Government and the AG, who were impleaded as defendants in the civil court, chose to remain unrepresented before the judge who decreed the suit for the arrears of salary payable to the plaintiff upto 10.1.1973. The plaintiff confined his claim only to arrears of salary, presumably under the impression that his right to claim any additional benefits such as escalated pension may be preferred on the respondents. As ill luck would have it, he passed away when the settlement of his claim was still pending finalisation. In our view, this should not debar the applicant from receiving benefits due to her father.

5. We, therefore, hold that the applicant is entitled to the benefits of additional pension and direct the respondent to revise the pension which was payable to the applicant's father during his life time on the basis that he must be deemed to have

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been in service from 10.1.1971 to 10.1.1973 until 20.5.1985 when he passed away. We direct the respondent to effect payment of the arrears of pension and any other terminal benefits which the father of the applicant would have been entitled to on account of addition of two years of service upto 20.5.1985, when he passed away, within a period of three months from the date of receipt of this order.

6. In the result the application is allowed. No order as to costs.

Ch. Ramakrishna
MEMBER (J) 4.2.87

[Signature]
MEMBER (A) 4.2.87

AN.