

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH:BANGALORE

DATED THIS THE 19TH DAY OF DECEMBER,1986.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy,  
Hon'ble Mr.L.H.A.Rego,

.. Vice-Chairman.  
.. Member(A).

APPLICATION NUMBER 1277 OF 1986.

Smt. Puttamma,  
Wife of Sri Thimmaiah,  
Major, resident of  
Kurubara street,  
Arkalgud Petta,  
Hassan District.

.. Applicant.

(By Sri R.U.Goulay,Advocate)

v.

The Collector of Central Excise,  
Bangalore-1.

.. Respondent.

(By Sri D.V.Shylendra Kumar,Standing Counsel).

--

This application coming on for hearing this day,Vice-Chairman made the following:

O R D E R

This application was posted before us to consider I.A.Nos.I and II filed by the applicant for impleading and amendment of the main application. But, in view of the submissions made by Sri D.V.Shylendra Kumar, learned Additional Central Government Standing Counsel appearing for the respondent we consider it wholly unnecessary to allow these applications. We, therefore, reject these applications.

2. As agreed to by both sides, this case is treated as listed for final hearing to-day and is accordingly heard.

3. In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1985, the applicant has challenged the letter/order No.C.II/25/38/D4, dated 6-9-1976(Annexure-C) of the Collector of Central Excise, Bangalore (Collector) and has sought for a direction to refix her family pension from 31-12-1963.

4. One

4. One Sri Thimmaiah, the husband of the applicant who was working as a Central Excise Sepoy in the Department of Central Excise, on attaining superannuation, retired from service from 1-7-1961. He died on 16-12-1974. Before the Collector, the applicant claimed for payment of higher family pension in terms of the liberalised family pension scheme which was not acceded to by the Collector on 6-9-1976. Hence, this application.

5. At the hearing of this case Sri Shylendra Kumar placed before us Establishment (General) Standing Order No.93/85 dated 27-7-1985 issued by the Chief Accounts Officer, Office of the Collector of Central Excise, Central Revenue Building, Bangalore ('CAO') which has extended the liberalised pension to those receiving family pension from 22-9-1977 in terms of an order made by the Supreme Court of India in similar cases. We have carefully perused the order issued by the CAO. The order made by the CAO has given effect to the order made by the Supreme Court of India on the very question agitated by the applicant. The applicant can get benefits in terms of the order made by the CAO. We, therefore, direct the respondent to extend the benefits sanctioned by the CAO in his Standing Order dated 27-7-1985 to the applicant with all such expedition as is possible in the circumstances of the case.

6. Application is disposed of in the above terms. But, in the circumstances of the case we direct the parties to bear their own costs.

*Ms. Shyamal*  
VICE-CHAIRMAN 19/12/86 *Al* MEMBER(A) *19.12.86*

np/