

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

21 DEC 1988

APPLICATION NO.

506

/88(F)

W.P. NO.

Applicant(s)

Shri A.K.R. Kurup

To

1. Shri A.K.R. Kurup
391, Kuttappa Garden
Ejipuram
Vivekanagar P.O.
Bangalore - 560 047
2. Col V.K.K. Nair
Advocate
16, Hospital Road
Shivajinagar
Bangalore - 560 001
3. The Secretary
Ministry of Personnel, Public Grievances
and Pensioners' Welfare
New Delhi - 110 001
4. Controller of Defence Accounts (Pensions)
Allahabad
Uttara Pradesh
5. Defence Pension Disbursing Officer
No. 1, Dickenson Road
Bangalore - 560 042
6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Respondent(s)
V/s The Secretary, M/o Personnel, Public Grievances
& Pension, New Delhi & 2 O/o

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY ORDER/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 8-12-88.

Encl : As above

Hoee
SECTION OFFICER
REXXREXXRXXRXX
(JUDICIAL)

O/C

K. M. J. R.
22-12-88

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 8TH DAY OF DECEMBER, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 506/1988

Shri A.K. R. Kurup,
391, Kuttappa garden,
Ejipuram,
Vivekanagar P.O.,
Bangalore-47.

.... Applicant.

(Shri V.K.K. Nair, Advocate)

v.

1. Union of India,
through the Secretary,
M/o Personnel, 'Public
Grievances and Pensions'
Welfare, Govt. of India,
New Delhi - 1.

2. C.D.A. Pensions,
Allahabad,
Uttar Pradesh.

3. Defence Pension Disbursing Officer,
No.1, Dickenson Road,
Bangalore.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)



This application having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

2. For certain period, the applicant was serving in
the Indian Army and was discharged in 1959, allowing him

the military pension admissible for such service.

3. On his discharge from the Army, the applicant joined service as a civilian Precision Grinder in the 515 Army Base Workshop, EME, Bangalore where also he has retired on 31.12.1984 on attaining superannuation drawing admissible civil pension due to him thereto.

4. On the recommendations of the 4th pay commission, the minimum pension payable to military and civilian employees was stepped up to Rs.375/- per month. In pursuance of that order, the applicant was allowed to draw a sum of Rs.375/- as military pension from 1.1.1986 as against Rs.80/- he was drawing in addition to civil pension of Rs.580/- with which he had no grievance. But, in the month of September, 1987, the payment of military pension of Rs.375/- being paid to the applicant was withheld by the Pension disbursing officer on which there was some correspondence between him and the authorities.

5. On a further re-examination of the whole matter Government in its order dated 8.3.1988 (Annexure-R2) had regulated the minimum pensions payable from 1.1.1986 itself. In terms of that order, the validity of which is not challenged, the applicant is now entitled for certain military pension but not Rs.375/- as originally allowed to him. Col. V.K.K. Nair, learned Advocate appearing for the applicant does not rightly dispute this position. But, he urges that in terms of that order as also another order made by Government on 19.11.1987 (Annexure-R3) the

amounts if any due to the applicant should be settled and payments made in conformity with those orders.

6. In their reply, the respondents have asserted that the amounts due to the applicant in terms of the two orders of Government had been settled which is disputed by the applicant.

7. On the developments that had occurred all that is now required to be done is to direct the respondents to furnish a consolidated upto date statement of accounts for the period from 1.1.1986 till 31.12.1988 clearly indicating the details of amounts recoverable from the applicant and payable to him, if any and arrange for the payment of the amounts that may be found due to him with expedition.

8. On the foregoing discussion, we direct the respondents to furnish a statement of calculations to the applicant for the period from 1.1.1986 to 31.12.1988 clearly indicating the details of amounts due, recoverable and payable to him with all such expedition as is possible in the circumstances and in any event on or before 15.1.1989 and arrange for the payment of the amounts that may be found due to him within the same time.



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

Holee
SECTION OFFICER 21/12
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-

ICE-CHAIRMAN 8/12/88

25-12-88
Sd/-
MEMBER (A)