

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. NO.: 136/93 in O.A. No. 656/92.

Date 7-10-94

Smt. K. U. Nagarkatti, Learned Counsel for the applicant.
Shri A. I. Bhatkar proxy for Shri M. I. Sethna,
Learned Counsel for the respondents.

In the above case decided on 10.09.1993, one of the reliefs sought for vide para 9(i) and 9(ii) was " A direction to Respondents No. 2 and 4 i.e. The Chief Labour Commissioner (Central), New Delhi and the Regional Labour Commissioner (Central), Asansol, to declare RLC (c), Bangalore, as Head Of Office for dealing with Pension case and to transfer the pension papers and related files to the R.L.C. (C), Bangalore, as "Head Office" under the C.C.S. (Pension) Rules, 1972, for further necessary action."

The reason for his claiming this relief is that the applicant was experiencing considerable delay in his correspondence with the R.L.C. (C), Asansol, where he was last posted, in various matters relating to operation of the pension rules. In particular, the applicant had written on 16.03.1994, in connection with pasting in the service book of particulars of the family details as per Pension Rules. But this has not been replied to till this date. Of course, this correspondence is subsequent to the earlier order passed by this Tribunal but the fact remains that in the O.A., the problems on this count were pleaded and relief was sought. In the order passed on 10.09.1993, there is no reference to this particular relief. In our order dated 29.07.1994, we had observed that the applicant is not able to specify provisions in relevant rules under which transfer is permissible, except definition of Head Office under Pension Rules. However, we further observed that as this is an administrative matter, there are likely to be administrative instructions in the matter and the respondents are directed to file a reply. In the reply filed by the respondents, it has been contended that no provision exists in Pension Rules for transfer of Head

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Of Office nor the respondents have been able to lay their hands ^{on any} which enable transfer of Head Of Officer of Pensioner. In our view, the respondents have not shown any evidence of having consulted the ~~Modal~~ Department viz. Department of Pension and Public Grievances under Personnel Ministry nor have they noticed rule 88 of Pension Rules which contains powers of relaxation. This power is, of course, vested in the Government. We therefore, dispose of this R.P. by passing the following orders :-

ORDER :

The Review Petition is allowed to the following extent :

The Review Petitioner is at liberty to make a detailed representation to Respondent No. I and II and make a request for transfer of Head Of Office for Pension purposes from Anansol to Bangalore where there is a Regional formation of Respondent No. II or alternatively, transfer the pension files and other personal files to Bangalore to enable Regional Office at Bangalore to deal with any ^{for all} post retirement or pensionary matter, of the applicant.

The Review Petitioner in his representation may also refer to the "Power to relax" vested in the Government vide Rule 88 of the Pension Rules and request the Government to meet his grievances by exercising ~~those~~ powers or otherwise. Review Petitioner is ^{expected} to file the representation within one month of receipt of the order and Respondent No. I and II are directed to pass a speaking order within three months of the receipt of representation. The applicant, if he feels aggrieved, is at liberty to approach this Tribunal within one month of the receipt of reply from respondent No. I and II. No orders are ~~passed~~ ^{to costs}

M R Kolhatkar
(M. R. KOLHATKAR)
MEMBER (A).

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
GULESTAN BLDG. NO. 6, 3RD/4TH FLOOR
PRESCOT ROAD, FORT, BOMBAY-400 001.

MISCELLANEOUS PETITION NOS.: 400/95 AND 831/95

IN

ORIGINAL APPLICATION NO.: 656 OF 1992.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Shri R. Prabhakar Rao ... Applicant
(Advocate by Smt. K.U. Nagarkatti)

VERSUS


Union Of India & Others ... Respondents.
(Advocate by Shri Suresh Kumar
for Shri M. I. Sethna).

TRIBUNAL'S ORDER : DATED : DECEMBER 07, 1995.

1. The Tribunal vide its order dated 15.11.1995, after considering the contentions of the parties, directed the Respondent's Counsel to dispose of the representation made by the applicant and list the case for hearing today.

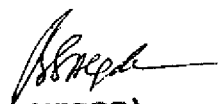
2.. During the course of hearing, the Learned Counsel for the respondents, Shri Suresh Kumar, draws our attention to the order passed by the respondents vide dated 02.05.1995 stating that they have already disposed of the representation of the applicant by passing the following order :

"As per Rule 54(6), life long family pension is payable to physically handicapped child of a government servant in case the appointing authority is satisfied that the handicap is of such a nature so as to prevent the child from earning his livelihood. For the consideration of the appointing authority, Government servant is required to submit a representation for grant of lifelong pension to his child duly supported by a medical certificate obtained from a medical officer not below the rank of a civil Surgeon setting out as far as possible the exact mental or physical condition of the child, etc.

3. The Learned Counsel for the applicant submits that this proposal is agreeable to the applicant and accordingly, necessary action has been taken to comply with the directions of the respondents, so as to enable the handicap child to get the pensionary benefits. 



4. In the circumstances, both the M.P. Nos. 400/95 and 831/95 have become infructuous and the same is dismissed.


(B. S. HEGDE)
MEMBER (J).