

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 436/93

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 19.11.1993

Shri G.M. Vijay

Petitioner

Shri G.K.Masand

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

None

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Smt.~~ Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ?
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?

} NO

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(b)

DA.NO. 436/93

Shri Gopal Mohan Vijay

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (J) Smt. Lakshmi Swaminathan

Appearance

Shri G.K. Masand
Advocate
for the Applicant

None for the Respondents

ORAL JUDGEMENT

Dated: 19.11.1993

(PER: Lakshmi Swaminathan, Member (J))

This application has been filed by the applicant praying for the retirement benefits as consequences of the order passed by the appellate authority dated 4.8.1992. In this order, pursuant to the judgement of this Tribunal in Tr.A.No. 249/86 dated 27.2.1991, the appellate authority has reduced the penalty earlier imposed of removal from service to that of compulsory retirement from the date of removal, i.e. from 15.1.1978. The grievance of the applicant is that so far no retirement benefits have been paid to him after this order of compulsory retirement had been passed in 1992. The learned counsel for the applicant has confined himself to the prayers (c) and (d) of the application, namely, ~~that~~ consequent upon the applicant having been compulsorily retired w.e.f. 15.1.1978, the respondents may be directed to calculate the amount payable to the applicant towards DCRG on 15.1.1978 and arrears of pension w.e.f. 15.1.1978 with interest thereon at the rate of 18% p.a. from 15.1.1978 till payment and for future pension.

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2. Sufficient time has been given to the respondents to file a reply but the same has not been done so far.

3. The learned counsel for the applicant also relied on the judgement of this Tribunal in OA.NO. 732/87 in the case of Joseph J. Gonsalves vs. Union of India & Ors. dated 28.2.1990. In this case the letter from the Railway Board dated 29.12.1979 had been considered. This letter deals with the cases of railway servants who were in service on 1.1.1973 but had retired/quit service/died in service during the period from 1.1.1973 to 31.12.1978. In this case, the Tribunal had held that the applicant was entitled to the benefit of pension scheme.

3. In the instant case, the learned counsel for the applicant also ^{referred to} ~~drawn attention~~ to the letter written by the applicant dated 21.10.1992 requesting for grant of pensionary benefits.

4. I respectfully agree with the ^{above} ~~the~~ judgement. In the facts and circumstances of the case, the respondents are directed to take necessary action to fix the pension and gratuity amount payable to the applicant in accordance with the relevant rules, taking into account their order dated 4.8.1992 by which the applicant had been deemed to have been compulsorily retired w.e.f. 15.1.1978. The respondents are directed to pay the pension and gratuity amount within a period of six months from the date of receipt of a copy of this order. As regards the claim for interest on the arrears of pension, I think it will suffice if 10% interest is paid to the applicant starting from two months after the date of the appellate order, i.e. from 4.10.1992.

5. With these directions the application is disposed of with no order as to costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)