

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

* * *

O.A.No. 1370/93

Dt. of Decision : 2.12.93

Zohra Begum

. . Applicant

Vs

1. Govt. of India represented
by Secretary,
Ministry of Personnel,
Public Grievances & pensions,
6th Floor, Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.
 2. Director General,
Archeaological Survey of India,
Government of India,
Janapath,
New Delhi - 110 011.
 3. Superintending Archaeologist,
III Floor, II block,
Kendriya Sadan,
Sultan Bazar,
Hyderabad - 500 195.
 4. Asst. Controller of Accounts,
Pay & Accounts Office,
Archeaological Survey of India,
Vidya Nagar,
Hyderabad - 500 044.
- . . Respondents.

Counsel for the Applicant : Mr. I. Dakshina Murthy

Counsel for the Respondents : Mr. N.V. Ramana,
Addl. CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(20)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri I. Dakshinamurthy, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant herein is the widow of late Sri M.A. Aziz, who retired from service as Deputy Superintending Archaeologist in November, 1968. It is stated for the respondents that his pension was not fixed and his pensionary benefits were not released as CC.4/68 on the file of II Additional Sessions Judge, Madras, was pending against him for the offences under section 5(2) of Prevention of Corruption Act, read with 120(B) IPC, and Section 409/IPC was pending against him. The Special Judge convicted him for the said offence and it was confirmed by the Madras High Court in 1981 in Criminal appeal No.488/76 and 490/76; but the sentence was reduced to SI till the raising of the Court. The husband of the applicant died in 1984.

3. The applicant made several representations to R-3 praying for payment of pensionary benefits and also family pension. R-3 addressed letter dated 8-4-1992 to R-4, the Assistant Controller of Accounts, to authorise payment of DCRG and family pension. It is stated that the matter was referred to the Ministry of Law and the matter is pending.

4. It is an unfortunate case that even after nine years after the death of the husband of the applicant, she is not getting even the family pension. We feel that in the circumstances it is just and proper to require R-1 to decide the matter expeditiously and preferably by 31-1-1992

20/9/92

(21)

in accordance with the relevant rules. If for any reasons the matter cannot be decided by 31-1-1994, the applicant herein had to be paid the minimum of family pension from January, 1994 payable by 10th of following month. On the final decision being taken in regard to the matter, the applicant had to be paid the arrears of family pension and the gratuity if payable with interest at 12% p.a. from the respective due dates. It is needless decision of R-1, the applicant is free to move this Tribunal.

5. The OA is ordered accordingly at admission stage.

No costs.

Sd/-
(R. Rangarajan)
Member (Admn)

Sd/-
(V. Neeladri Rao)
Vice Chairman

Dated : December 2, 93

Dictated in the Open Court

Sd/-
Deputy Registrar (Judl)

Copy to

1. Secretary, Ministry of Personnel, Public Grievances & Pensions, Govt. of India, 6th Floor, Nirvachan Sadan, Ashok Road, New Delhi 110001.
2. Director General, Archaeological Survey of India, Govt. of India, Janpath, New Delhi 110011.
3. Superintending Archaeologist, III Floor, II Bloc Kendriya Sadan, Sultan Bazar, Hyderabad 500 195.
4. Asstt. Controller of Accounts, Pay & Accounts Office, Archaeological Survey of India, Vidya Nagar, Hyderabad 500044.
5. One copy to Sri I. Dakshinamurthy, Advocate, 10-1-18/25, Shyam Nagar, Hyderabad.
6. One copy to Sri N.V. Ramana, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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(22)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri I Dakshinamurthy, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant herein is the widow of late Sri M.A. Azeez who retired from service as Dy. Superintending Archaeologist in November, 1968. It is stated for the respondents that his pension was not fixed and his pensionary benefits were not released as CC.4/68 on the file of II Additional Sessions Judge, Madras, was pending against him for the offences under section 5(2) of Prevention of Corruption Act, read with 120(B) IPC ^{and} Section 409/IPC was pending against him. The ^{Special} ~~Sub~~ Judge convicted him for the said offence and it was confirmed by the Madras High Court ^{in 1981} and in Criminal appeal No.488/76 and 490/76 ^{but} and the sentence was reduced to SI till the raising of the Court ~~in 1981~~. The husband of the

3. The applicant made several representations to R-3 praying for payment of pensionary benefits and also family pension. R-3 addressed letter dated 8-4-1992 to R-4, the Assistant Controller of Accounts, to authorize payment of DCRG and family pension. It is stated that the matter was referred to the Ministry of Law and the matter is pending. It is an unfortunate case that even after 9 years after the death of the husband of the applicant, she is not getting even the family pension. We feel that in the circumstances ^{require R1} it is just and ~~and~~ proper to ~~direct R-2~~ to decide the matter expeditiously and preferably by 31-1-1994, in

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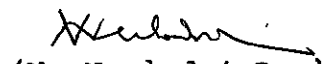
accordance with the relevant rules. If for any reasons the matter cannot be decided by 31-1-1994, the applicant herein had to be paid the minimum of family pension ~~for~~ ^{payable} ~~from~~ ^{following month} January, 1994 by 10th February, 1994. On the final decision

being taken in regard to the matter, the applicant had to be paid the arrears of family pension and the gratuity ^{if payable} with interest at 12% p.a. from the respective due dates. It is needless to say that if the applicant is aggrieved by the final decision of ~~R-2~~ ^{R-1}, the applicant is free to move this Tribunal.

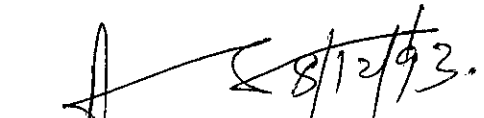
4. The OA is ordered accordingly at admission stage. No costs.



(R. Rangarajan)
Member(Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : December 2, 93
Dictated in the Open Court


Deputy Registrar(Judl.)

sk

Copy to:-

1. Secretary, Ministry of Personnel, Public Grievances & Pensions Govt. of India, 6th floor, Nirvachan sadan, Ashoka road, New Delhi-001.
2. Director General, Archaeological Survey of India, Govt. of India Janapath, New Delhi-011.
3. Superintending Archaeologist, III floor, II block, Kendriya Sadan, Sultan Bazar, Hyd-195.
4. Asst. Controller of Accounts, Pay & Accounts Office, Archaeological Survey of India, Vidya Nagar, Hyd-044.
5. One copy to Sri. I. Dakshina Murthy, advocate, 10-1-18/25, Shyam Nagar, Hyd.
6. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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P.C.O. 8
7.12.93

O.A. 1370/93

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 2/12/1993

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 1370/93

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

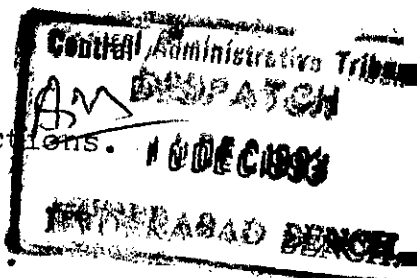
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.



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Mr. K. S. Rao
General
Collections are due
5/12/93