



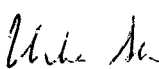
(ii) The second controversy is about the qualifying service and the notional benefits which the applicant is entitled to get.

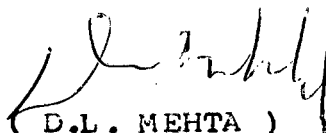
2. We have heard the learned counsel for the parties. As far as the first point, i.e., the salary of the period 16.5.88 to 6.1.93 is concerned, we will like to make it clear that the order of compulsory retirement has been set aside and the respondents should consider the question of the payment of the salary of that period according to law and should pass a speaking order on this point taking into consideration the subsequent events including the quashing of the order of compulsory retirement on merits by the Revisionary Authority.

3. The whole period from 1988 to 1993 should be considered as a qualifying period for the purpose of pension. The applicant's pension should be re-fixed.

4. In the result, the O.A. is partly accepted. The order of Revisionary Authority is modified accordingly. The applicant will be entitled to get the complete period calculated as qualifying service and will get all retiral benefits. The retiral benefits should be decided within a period of 4 months from the date of the receipt of this order. If the pensionary benefits are not paid within six months, the applicant shall be entitled to get the interest at the rate of 12% per annum on the amount unpaid.

5. The O.A. is disposed of accordingly, with no order as to costs.

  
( USHA SEN )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman