

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.15/05

Jabalpur, this the 20th day of January 2005.

CORAM

Shri M.P.Singh, Vice Chairman
Shri Madan Mohan, Judicial Member

S.S.Parkar
S/o Late Sakharam Parkar
S.S.Trunks (Retired)
R/o Awadhoot Chintan
New Jagdamba Colony
Cherital
Jabalpur

And 54 others.

Applicants.

(By advocate Shri B.K.Rawat)

Versus

1. Union of India through
Secretary, Ministry of
Personnel, Public Grievances and
Pension, New Delhi and others.

Respondents.

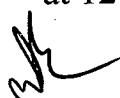
(By advocate

O R D E R (Oral)

By M.P.Singh, Vice Chairman

By filing this OA, the applicants have claimed the following reliefs:

- (i) Direct the respondents to re-fix the gratuity amount payable on attaining the age of superannuation, on retirement prior to 1.1.96 under Rule 50(5) of CCS Pension Rules read with Rule 33 of CCS Pension Rules after the amendment of the said rules from 1.1.96.
- (ii) Direct the respondents to make the payments of arrears of difference of gratuity amount with retrospective effect with interest at 12% p.a. on the due arrears of the gratuity amount.



(iii) To allow the verdict of Full Bench decision in Shri Baboorao Shankar Dhun and others Vs. UOI and ors. 2001 (3) ATJ 436 and to follow the verdict of CAT Bangalore in OA 526/03 P.K.Shetty Vs. UOI decided on 30.10.03 and to grant the similar benefit for the purpose of computation of DCRG by recomputing the same by merger of the DA in pay.

2. The brief facts of the case are that the applicants are retired Government servants and are entitled for the gratuity on retirement as per CCS (Pension) Rules. Part of the DA is to be treated as dearness pay with a view to reckon the emoluments for the purpose of retirement gratuity and accordingly, the gratuity is required to be paid to the applicants who retired between 1.7.1993 and 31st March 1995. This benefit has been granted to the employees who retired during this period for the purpose of computing the dearness ~~allowance~~ ^{pay} for granting gratuity. The benefit has been granted by the Full Bench of the Bangalore Bench of the CAT in OA No.526/03 decided on 30.10.2003.

3. In the facts and circumstances of the case, we feel that the ends of justice would be met if we direct the applicants to submit representations before the respondents and if the applicants comply with this within 15 days, then the respondents are directed to consider and decide the representations of the applicant and also consider this OA as part of the representations and take a decision by passing a detailed order within two months from the date of receipt of a copy of this order.

4. Learned counsel of the applicants is directed to send a copy of this order as well as a copy of the petition to the respondents immediately.

5. With these observations, the OA is disposed of at the admission stage itself. No costs.

The Registry is directed to supply a copy of the memo of parties to the parties while issuing the certified copy of this order.


(Madan Mohan)
Judicial Member


(M.P.Singh)
Vice Chairman