

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR, BENCH
JABALPUR

Original Application No. 992 of 2004

Jabalpur, this the 14th day of February, 2005

Hon'ble Shri Madan Mohan, Judicial Member

**Sudhir Pandey, aged about 21 years,
S/o. of late Shri Dhruv Kumar Pandey,
Retd. Senior Auditor A/c. No. 8318628
in the office of LAO (Army), Barrack Store
Office, GE(MES), Sagar, District Sagar,
R/o. 3/46, Sadar Bazar, Sagar (MP). Applicant**

(By Advocate – Shri R.M. Bajpai on behalf of Shri Sharad Verma)

V e r s u s

- 1. Union of India, through its Principal
Secretary, Ministry of Defence & Accounts,
New Delhi.**
- 2. The Director, Ministry of Defence Accounts,
(Admn. 8 Part), West Division-V, R.K.Puram,
New Delhi.**
- 3. Controller of Defence Accounts,
Defence Accounts & Audit, Ridge Road,
Jabalpur (MP).**
- 4. The Principal/Sr. Accounts Officer, O/o.
Chief Controller of Defence Accounts (CDDA),
Pensions, Allahabad, Distt. Allahabad.**
- 5. The Regional Joint Director, Health Services,
(Training & Procedure), Madhya Pradesh,
Gwalior (MP). Respondents**

(By Advocate – Shri A.P. Khare)

O R D E R (Oral)

**By filing this Original Application the applicant has claimed the
following main reliefs :**



“(ii) to direct the respondents to consider the case of the applicant in the matter of grant of commutation pension,

(II) to direct the respondents to adhere to the Rules as fixed for commutation family pension and accede to the request of the applicant in that regard.”

2. The brief facts of the case are that the father of the applicant was appointed in the office of the respondents' Department on 31st December, 1972 and he had completed 28 years of service on the post of Senior Accountant. Due to his ill health the father of the applicant requested the respondents for grant of invalid pension as per Rule 38 of the CCS Pension Regulation. His father was working as a Clerk on 1.2.1980 and on 2.11.1992 he was promoted to the post of Accounts Invigilator and thereafter by order dated 24.12.1997 as Sr. Accounts Officer. Due to his serious illness on 24.7.1997 he submitted an application for compulsory retirement which was considered by the respondent department on 29.6.2001 and he was considered retired on 6.6.2001. The after of the applicant requested for commutation of family pension and for appointment of his son on compassionate ground but the CDA, Jabalpur showed unwillingness to absorb the applicant on compassionate basis nor granted the amount of commutation of pension. The mother of the applicant submitted an application to the CCA, New Delhi regarding commutation of family pension of her late husband in which she stated that her husband was advised to appear before the Medical Board, but unfortunately before such appearance, the deceased died in harness on 22.7.2003 and therefore could not appear. The CDA, Jabalpur wrote to the PCDA (Pensions), Allahabad asking to complete the form Part IV and return to the office in connection with application for commutation of pension after medical examination in relation of the deceased Government servant. The CCDA(P), Allahabad, thereafter forwarded the duly filled form to the CDA, Jabalpur on 15.10.2001. In the said form it is clearly mentioned that the pension before commutation comes to Rs. 2,395/- per month from 7.6.2001. The father of the applicant died on 22nd July, 2003.

Thereafter, the respondent No. 1 asked the CDA(P), Allahabad to submit the case of pension commutation after formation of medical board and examination of the deceased Government servant, who took invalid pension. By the impugned letter dated 13.5.2004 the CDA(P), Allahabad, wrote a letter to the CCDA, New Delhi that as per rules commutation of fraction of invalid pension is permissible only after medical examination. In the instant case, as the individual died before constitution of medical examination, commutation of invalid pension is not possible. Aggrieved by this the applicant has filed this Original Application.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the respondents has drawn my attention towards the impugned order dated 13.5.2004 (Annexure A-9) in which the respondents have mentioned that "In this connection, it is stated that as per rules commutation of fraction of invalid pension is permissible only after medical examination. In the instant case, as the individual died before the medical examination, commutation of invalid pension is not possible. This may be treated as final." The learned counsel for the applicant could not show us any rule or law against this impugned order, by which any benefit can be extended to the applicant. It is an admitted position that the father of the applicant died before the medical examination and commutation of invalid pension is permissible only after the medical examination. Hence, the applicant is not entitled for any reliefs claimed by him.

5. Accordingly, this Original Application has no merit and is dismissed with no order as to costs.


(Madan Mohan)
Judicial Member

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