

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


13.05.2008

OA No.312/2007

Mr. A.N.Gupta, counsel for the applicant
Mr. C.B.Sharma, proxy counsel for
Mr. R.G.Gupta, counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA is
disposed of.


(M.L. CHAUHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 13th day of May, 2008

ORIGINAL APPLICATION No.312/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Suresh Chandra Kulshrestha
s/o late Shri Kripa Shankerji,
r/o E-180, Ram Nagar Extension,
Sodala, Jaipur.

.. Applicants

(By Advocate: Shri A.N.Gupta)

Versus

1. Union of India through the chief Workshop
Manager, Jhansi (U.P.), North Central Railway
Workshop, Jhansi.

... Respondents

(By Advocate: Shri C.B.Sharma, proxy counsel for Mr.
R.G.Gupta)

O R D E R (ORAL)

Heard the learned counsel for the parties.

2. The case of the applicant is regarding adding
name of wife of the applicant in the PPO for the
purpose of pensionary benefits on account of

restoration of 1/3rd commutation of pension of the applicant after completion of 15 years of service.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have placed reliance on para 8 of the instructions issued by the Ministry of Personnel, Public Grievances and Pension letter No.4/3/86-P&W(D) dated 30.9.1996 as circulated vide Railway Board letter No. F(E) III/96/PNI/9 dated 25.10.96 which stipulates that on account of restoration of 1/3rd portion of pension in the case of absorbee could not make the family member (s) of the absorbee eligible to claim family pension from the Central Govt. because the entitlement to family pension on absorption of a Government servant is governed by the separate set of instruction on the subject. The validity of Para 8 of the instructions dated 30.9.1996 has not been challenged in this OA.

4. The learned counsel for the applicant submits that he wants to challenge validity of the para 8 of the instructions dated 30.9.1996 by filing a separate OA. Thus, without going into merit of the case, the present OA is disposed of with liberty reserved to the applicant to file a substantive OA for the same cause of action thereby challenging validity of Para 8 of the instructions dated 30.9.1996

122

5. With these observations, the OA is disposed of with no order as to costs.


(M.L. CHAUHAN)

Judl. Member

R/