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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No. 350/00987/2014

Date of Order: 14.10.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAY& DAS GUPTA, ADMINISTRATIVE MEMBER

JAGANNATH NAHAK
V/S
G.S.I.

For the Applicant : Ms.T.Das, Counsel
For the Respondents: Mr. S.K.Ghosh, Counsel

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both.

2. This OA has been filed seeking the following reliefs:

"(a) A mandatory direction and/or order be passed upon the respondents their men, agents and each one of them to forthwith sanction the pension in favour of the applicant and release the arrear pension with effect from 1st June, 2012 excluding the amount of provisional pension paid to the applicant and the commuted value of 40% pension together with interest @ 12% per annum from 1st June, 2012 till date;

(b) Pass such other or further order or orders as may deem fit and proper;

And for this act of kindness, the applicant as in duty bound, shall ever pray."

3. The sum and substance of the arguments as put forth before us would run thus.

On the one hand, the learned counsel for the applicant would pray for provisional pension in favour of her client as an interim measure, pending disposal of this OA; whereas, the Learned Counsel for the Respondents would vehemently

oppose the same on the ground that ever since 2012 the applicant did not submit his pension papers in proper form and despite reminders given to him he did not comply with the requirements for sanctioning pension such as producing of photocopy of himself and his wife and also furnishing of his wife's name etc.

4. Be that as it may, all those things would affect the family pension in the event of family pension being payable to the person entitled to it. Now pending that provisional pension can be released to the pensioner as he is still alive. Accordingly, we would issue direction that the respondent authorities concerned that they shall release the provisional pension pending disposal of this OA, in favour of the applicant.

5. A plain copy of this order be given to learned counsel for both sides.

6. Adjourned to 04.01.2015.

(Jaya Das Gupta)
Admn. Member

(Justice G.Rajasuria)
Judicial Member

Knm