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3.3.2004

Item-17

MA-89/2004
OA-556/2003

Present: Shri A.K.Trivedi counsel of the applicant.

Shri A.K.Bhardwaj counsel of the respondents.

While the applicant has filed MA-89/2004 seeking directions to respondents to give effect to order dated 12.3.2003 in OA-556/2003, respondents have filed MA-532/2004 seeking a period of four to six months from 13.1.2004 for implementing the directions of this court to grant disability pension to the applicant. Learned counsel of the applicant in MA-89/2004 stated that vide order dated 12.3.2003 OA-556/2003 was disposed of with the following directions:-

"In this view of the above, ends of justice would be met if the present OA is disposed of with a direction to respondents to consider the claim of applicant through a detailed and speaking order in the light of the provisions of CCS(EOP) Rules ibid, within two months from the date of receipt of a copy of this order."

Thereafter respondents' MA-2234/2003 was allowed on 22.10.2003 granting two months to the respondents to comply with Tribunal's orders. This period expired on 22.12.2003 and respondents have yet not effected full compliance of directions of the court. Learned counsel of respondents stated that while the respondents have passed a detailed and speaking order in compliance of directions of this court vide Annexure MA-3 dated 29.5.2003 holding that disability pension is admissible to the applicant

under the CCS(EOP) Rules and submitted the recommendations for grant of disability pension on 26.4.2003; the final orders have to be passed by the President of India. He further pointed out that the deceased employee had been absent for more than 17 years and as such processing of disability pension requires verification of the service book as per extent rules and audit opinion has also to be obtained.

In the facts and circumstances of the case respondents' MA-532/2004 is allowed, permitting four months time to the respondents from 13.1.2004 for completing the entire action required for payment of disability pension to the applicant and other consequential benefits, failing which a serious view would be taken.

MA-89/2004 and MA-532/2004 are disposed of accordingly.

V.K.Majotra
(V.K. Majotra)
Vice Chairman(A)

cc.