

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.994/2001

8

New Delhi, this the 20th day of the December 2001

HON'BLE MR. M.P.SINGH, MEMBER (A)

Shri G.D. Arora,
S/o Late Shri B.R. Arora,
aged about 70 years.
R/o 1654, Outram Lines,
Kingsway Camp, Delhi.
And retired as Inspector Gr. II,
from Govt. of NCT of Delhi.
Delhi.

(By Advocate: Shri S.S. Tiwari) ... Applicant

V E R S U S

1. Govt. of NCT of Delhi,
through its,
Chief Secretary,
Old Sectt.,
5, Shyam Nath Marg,
Delhi.
2. The Commissioner,
Food Supplies & Consumer Affairs,
Govt. of NCT of Delhi,
'K' Block, Vikas Bhawan,
New Delhi.
3. Deputy Commissioner (Accounts),
Cash & Accounts Branch,
Office of the Commissioner,
Food Supplies & Consumer Affairs,
Govt. of NCT of Delhi,
'K' Block, Vikas Bhawan,
New Delhi.
4. The Nodal Officer,
D.C. (Enforcement & Public Grievances Cell),
'K' Block, Vikas Bhawan,
New Delhi.

(By Advocate: Shri Harvir Singh) ... Respondents

O R D E R (ORAL)

By filing the present OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought direction to quash and set aside the orders dated 28.4.2000 and 4.10.2000 and also sought direction to the

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respondents to refix his pension w.e.f. 1.12.1988 after counting the service rendered by him for the period from 14.10.1948 to 31.12.1955.

2. Brief facts of the case as stated by the applicant are that he had joined the State Govt. service of Punjab as LDC w.e.f. 14.10.1948 where he worked till 31.12.1955. Subsequently, applicant's services were transferred to Govt. of India, Ministry of Rehabilitation w.e.f. 1.1.1956 vide order dated 11.4.1956. On account of general reduction in the staff strength by the Govt. of India, the applicant's services were terminated on 12.2.1960. Thereafter the applicant was reemployed and posted in the Ministry of Rehabilitation on 18.8.1961. He was given the benefit of his past service of eleven years & four months for all purposes including pay fixation. Subsequently, the applicant was transferred to the respondents office and he retired from service on 30.11.1988 after attaining the age of superannuation. The pension of the applicant was fixed at the rate of Rs.764/- per month whereas it should have been fixed at the rate of Rs.925 per month. According to the applicant, he joined his service from 14.10.1948 and the period from 14.10.1948 to 31.12.1955 for the service rendered by him was not counted by the respondents for the purpose of pensionary benefits. Aggrieved by this he has filed the present OA, seeking the aforesaid relief.

3. The respondents in their reply have denied the claim of the applicant. According to them, the applicant has

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failed to produce any documentary proof in support of his claim particularly pertaining to his past service. Thus, no illegality has been committed by the respondents. It is also stated by the respondents that the present OA is time barred as the applicant is agitating the present issue at a very belated stage. In view of the aforesaid facts and submissions, the OA is devoid of merits and the applicant is not entitled for any relief.

4. I have heard both rival contesting parties and perused the records.

5. During the course of the argument learned counsel for the applicant drew my attention to Annexure B and Annexure C to OA and submitted that the office of District Rent and Managing Officer, Ministry of Rehabilitation, Hissar had issued a discharge certificate which clearly states that the applicant had worked as LDC in the Ministry of Rehabilitation for the period from 14.10.1948 to 12.2.1960^(Annex-C). He also submitted that the facts mentioned in the said letter issued by the District Rent and Managing Officer have not been denied by the respondents. On the other hand, learned counsel for the respondents stated that the applicant had not produced any other document other than Annexure C to establish his claim. He sought time for verifying the veracity of the document annexed by the applicant at Annexure 'C' from the office which had issued this certificate. The contention of the learned



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counsel for the respondents to verify the documents at this stage cannot be accepted and accordingly rejected.

7. After perusing the record, I find that letter dated 11.4.1956 (Annexure-B) issued by the District Rent and Managing Officer states that as a consequence of integration of Custodian staff with the Settlement Organisation, the services of the applicant as a Clerk in the office of District Rent Officer-cum-Assistant Custodian (G) Evacuee Property, Hissar were transferred to the Settlement Organisation in the office of District Rent and Managing Officer, Hissar with effect from 1.1.1956. It is on the basis of this letter that the respondents had counted the services of the applicant for the period from 1.1.1956 to 12.2.1960 for the purpose of computing his pension. I also find that the respondents have not denied the genuineness of this letter dated 18.6.1960 issued by the Office of District Rent and Managing Officer, Hissar. On the other hand, the respondents have failed to establish that the applicant had not worked in the State Govt./Central Govt. during the period from 14.10.1948 to 31.12.1955. Since the respondents have relied upon the aforesaid documents to grant him benefit for the period from 1.1.1956 to 12.2.1960 for the purpose of pension, they should also grant him the benefit for the earlier period of his services i.e. from 14.10.1948 to 31.12.1955 for the purpose of pension.

8. In view of the facts and circumstances of the case, I am of the considered view that the present OA can be



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disposed of by giving a direction to the respondents to count the period from 14.10.1948 to 31.12.1955 for the purpose of computing his pension in accordance with Rules and instructions and pay him arrears if any. Accordingly, the respondents are directed to count the aforementioned period of applicant's past service and re-fix his pension and also pay him arrears of pension, if any, within a period of three months from the date of receipt of a copy of this order. There shall no order as to costs.

m.p.singh
(M.P.SINGH)
MEMBER(A)

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