

Central Administrative Tribunal  
Principal Bench: New Delhi

OA 1895/94

New Delhi this the 23rd day of December 1996

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

Kewal Krishan Handa  
Son of Late Chuni Lal Handa  
R/o 3970 Wilcoxson Drive  
Fairfax, VA 22031 (USA)

Delhi Address:

C/o Mr Pradyumna Arora, Advocate  
D-36, Navkunj Apts, Plot 87, I.P. Extn.  
Patpar Ganj, Delhi-92.

....Applicant.

(By advocate: Mr Pradyumna Arora)

Versus

Union of India through

1. The Secretary  
Ministry of Finance  
Department of Economic Affairs  
North Block, New Delhi.
2. The Secretary  
Ministry of Communications  
Sanchar Bhawan, New Delhi.
3. The Secretary  
Ministry of Personnel, Public Grievances  
& Pension  
North Block, New Delhi.

..Respondents.

(By Advocate: Mr P.H.Ramchandani)

O R D E R (Oral)

Hon'ble Mr R.K.Ahooja, Member (A)

In this application, applicant has sought a direction to the respondents to pay to him his pension and pensionary/retirement dues as well as 18% interest on all delayed payments from the date of the applicant's retirement to the date of actual payment and also to cancel all demands and directions made/given to the applicant by the respondents.

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2. The applicant who was working under the respondent No.1 went on deputation to the World Bank. Under the terms and conditions of the deputation, he was required to make his pension contributions/GPF and repayment of any other advance etc. in the currency in which he was receiving his payment during the relevant period. The applicant, however, after the expiry of the term of deputation, obtained a further temporary assignment with the World Bank without prior permission of the respondents and also submitted a notice for voluntary retirement. At that time, the rules laid down that a minimum service of 5 years was required with the International Agency ~~for permission~~ for grant of pension by the International Agency. Later on this period was reduced from 5 to 3 years. The applicant claims that this was not known to the respondent No.1 at that time. The applicant, therefore, obtained pensionary benefits from the World Bank from December 1990 onwards. The respondents also later amended the rules vide Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training OM No.1/3/95/Estt/(Pay-II) dated 11.6.95 (Annexure R-1).

3. After a statement was filed by the respondents on receipt of notice, the respondents sought permission to file a supplementary additional counter reply on 9th July 1996 in which they stated that his <sup>case</sup> has been reconsidered. Para 5 & 6 of the additional counter reply states that 'on an application from the applicant (Shri K.K.Handa), the Government proposes to waive the normal condition of three months notice period seeking voluntary retirement under FR 56(k) as a special case and accept the voluntary retirement of Shri Handa from

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1st December 1990. Moreover, on an application from the applicant, the Government also proposes to regularise as a special case the irregularity committed by Shri Handa in his joining again the World Bank as a temporary on 2nd December 1990 without prior permission/approval of the Government of India. The respondents have made following statement in para 7 on proposed actions:

"The proposed waiving of the notice period of three months and also condoning of the irregularity committed by Shri Handa in joining the World Bank as a temporary on 2nd December 1990 without prior permission of the Government of India will be subject to Shri Handa's paying to the Government of India all the dues in the currency in which he was drawing his salary from the World Bank towards his contributions regardings CGEGIS, GPF and HBA as per the original terms and conditions of his deputation."

4. The applicant has filed an MA 2447/96. In para 8 of the MA, the applicant states that he is willing to pay his contribution towards CGEGIS and GPF in foreign currency, namely, US \$ in which he was paid by the World Bank. As regards repayment of House Building Advance, he states that a sum of Rs. 9904 only is due from him. We have heard learned counsel on either side. Shri Ramchandani states that the respondents are ready to accept the voluntary retirement and to condone the irregularity in respect of the applicant's joining the World Bank again without permission of the respondents on the condition that all the dues which the applicant is liable to pay are made in foreign currency. Learned counsel for the applicant submits that the applicant is willing to make the payment in Indian currency in order to avoid delay in releasing his pensionary benefits and gratuity subject to final adjustment later on. This is not acceptable

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to the counsel for the respondents as he insists on making the contributions in foreign (US \$) currency.

We have considered the matter. We are of the view that the OA can be disposed of at this stage with following directions:

- [a] Respondents shall intimate to the applicant within 2 months from the date of receipt of this order, the exact amount recoverable from the applicant including HBA in US \$.
- [b] The applicant shall within one month thereafter make the payment of the same in US \$ to the respondents.
- [c] The respondents shall release the applicant's pensionary benefits including gratuity, pension, leave encashment, GPF and whatever is due to the applicant within 2 months from the date of receipt of the amount receivable from the applicant in US \$.

No order as to costs.

  
(R.K. Ahooja)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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