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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
OA No. 2130/2000

New Delhi, this 18th day of April, 2001

Hon'ble Shri M.P. Singh, Member(A)

1. Radhey Lal
B-196, Addl. Township
BTPS, Badapur, New Delhi
2. K. Satish Pal
K-20/F, Sheikh Sarai Phase II
New Delhi
3. Lal Chand
Vill. Alapur, PO Bharola
Tehsil Palwal, Dt. Faridabad (Haryana) . Applicants

(By Shri S.M.Ratan Paul, Avocate)

versus

Union of India, through

1. Secretary
Ministry of Water Resources
Shram Shakti Bhavan, New Delhi
2. Secretary
M/Personnel, PG & Pensions
North Block, New Delhi
3. Chairman
Central Water Commission
R.K.Puram, New Delhi .. Respondents

(By Shri **D.S.** Mehandru, Advocate)

ORDER(oral)

The applicants are aggrieved by the orders dated 1.9.2000 by which their claim for grant of pro-rata pension and other pensionary/retirement benefits including DCRG, leave encashment etc. has been denied to them.

2. Briefly stated, the applicants joined service in Badarpur Thermal Power Station (BTPS, for short) in the year 1973-74 after which they were transferred to National Thermal Power Corporation (NTPC), Government of India Undertaking on 1.4.78. They were treated to be working in NTPC on deputation/foreign service basis



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till their absorption in NTPC in 1985 vide order dated 7.4.88 retrospectively after they opted for their permanent absorption in NTPC and after their technical resignation was accepted and they were relieved by CWC to be absorbed in NTPC. According to them, under the existing rules they were entitled to pro-rata pension etc. for their more than 10 years service with the Central Government but the same have been denied to them. That is how they are before this Tribunal for the grant of pro-rata pension etc. alongwith interest @ 18% thereon. They have also placed reliance a number of judgements given by the coordinate Benches of this Tribunal in support of their claim.

2. Respondents have contested the case on the ground that the applicants were quasi-permanent at the time of their absorption in NTPC and their retirement benefits cannot be regulated under CCS (Pension) Rules in view of specific provision in Rule 2 of the said Rules. Terminal gratuity as per rules has already been paid to the applicants. Applicants, alongwith five others, have earlier filed OA No.1624/99 praying for similar reliefs which was disposed of by order dated 9.5.2000 with the direction to the applicants to submit a self-contained representation to the respondents and the latter shall proceed to take appropriate decision in the matter keeping in view the relevant rules and case law and dispose of the same by a reasoned and speaking order with intimation to the applicants. As the claims put forth by the applicants in their said representations are not admissible under the relevant rules in force on the subject, their representations were disposed by the impugned order dated 1.9.2000



3. Heard the learned counsel for the parties and perused the records.

4. During the course of the arguments, the learned counsel for the applicants drew my attention to the decisions in TA No.25/88 dated 17.10.94 (S.K.Bedi Vs. UOI) of the Jaipur Bench and OA 2362/97 (Smt. Aruna Mehta & Ors. Vs. UOI) dated 30.4.98 of the Principal Bench by which the said OAs were allowed in favour of the applicants therein, who were also similarly placed like the applicants in the present OA. In these decisions, the ratio of the judgements of the Hon'ble Supreme Court in Baleshwar As & Ors. Vs. State of UP (1981(1) SCR 449) and Praduman Kumar Jain Vs. UOI (1994 Supp(2) SCC 548) was followed by the Tribunal. After carefully going through these judgements, I am of the considered view that the case of the applicants herein is covered in all fours by the decisions referred to above. In view of this, I do not want to take a different view contrary to the above ones.

5. In the result, the OA is allowed. Respondents are directed to grant pro-rata pension and other pensionary benefits to the applicants, alongwith interest as per Rule 68 of CCS(Pension) Rules, 1972, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.



(M.P. Singh)
Member(A)

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