

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 185/2002 in
OA 2445/2000

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New Delhi this the 18th day of September, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

Baldev Verma
Son of Late Sh.Mathura Das,
Retired Employee Resident
of A-3/43, Sector 16,
Rohini, Delhi-110085

..Petitioner

(By Advocate Sh. P.M.Hinduja)

Versus

1. Shri J.N.L.Srivastava,
The Secretary, Govt. of
India, Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. Shri (Dr.) B.Raghunathan,
Plant Protection Adviser,
Govt.of India, Directorate of
Plant Protection, Quarantine and
Storage, Ministry of
Agriculture, NH IV Faridabad,
Haryana.
3. Smt. Kanta Arora,
Pay and Accounts Officer,
Department of Agriculture
and Cooperation, Plant
Protection and Misc.Block III,
Level III, CGO Complex,
NH IV Faridabad (Haryana)

.. Respondents

(By Advocate Shri D.S.Mahendru)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

We have heard Shri P.M.Hinduja, learned counsel
for the petitioner and Shri D.S.Mahendru, learned counsel
for the respondents in CP 185/2002. Learned counsel for
the respondents has submitted a copy of the Pension Pay
Order (PPO) dated 9.8.2002. He further submits on instructions
from the Departmental Representative that the concerned
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Under Secretary, Shri Bhagwan Dass, has telephoned the applicant today in the forenoon and applicant has confirmed that he has received the PPO.

2. Learned counsel for the petitioner has submitted that the respondents have not fully complied with the Tribunal's order dated 7.8.2001 in OA 2445/2000 as he has not been given encashment of leave standing to his credit as well as interest which were the claims of the applicant as per Para 8 (ii) and (iii) of the OA, although the application itself has been allowed. However, Shri D.S.Mahendru, learned counsel submits that the respondents have granted pro-rata pension which was due to the applicant after taking into account the services rendered by the applicant in the parent Department from 23.5.1951 to 2.3.1968 ^{and B/} ~~He~~ is not entitled to anything more.

3. From a reading of the judgement of the Tribunal, we see force in the submissions made by the learned counsel for the petitioner that as the respondents were directed to grant pro rata pension to the applicant as he was ~~then~~ considered as having retired from service from the parent Department, he should be entitled to leave encashment standing to his credit at the time of his retirement. At the same time, we also see force in the submissions made by Shri D.S.Mahendru, learned counsel that as there is no direction from the Tribunal for payment of interest as claimed by the applicant, ~~that~~ ^{B/} prayer is rejected.

4. Learned counsel for the respondents has submitted that in furtherance to our previous order dated 14.8.2002, ^{B/} ~~the~~ due and drawn statement has been given to the applicant.

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Learned counsel for the petitioner has submitted a copy of the order issued by the respondents dated 5.8.2002 in which there is a deduction of Rs.560/- which has been explained by the respondents to show that deduction is in respect of CGEIS. In view of this submission, learned counsel for the petitioner submits that he does not press this point any further.

5. Having regard to the aforesaid order of the Tribunal dated 7.8.2001 and the submissions made by the learned counsel for the respondents, we consider it appropriate to dispose of this CP granting the respondents further one month from today to consider granting leave encashment as due to the applicant in accordance with the Rules on his having retired from the parent Department w.e.f. 3.3.1968. CP 185/2002 is dismissed. Notices issued to the alleged contemnors are discharged.


(S.A.T. Rizvi)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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