

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH
NEW DELHI

R.A.No.283/94

IN

O.A .No.2134/93.

New Delhi this 12th day of September, 1994.

Hon!ble Mr. S.R.Adige, Member(A)

Shri V.B.Saran,
s/o Shri Mahavir Singh,
r/o M-117, Sector,25.
NOIDA.

.....Applicant.

Versus

Union of India through

1. The General Manager,
DMS,
West Patel Nagar,
New Delhi.

2. The Secretary to

Govt. of India,
Deptt. of Animal Husbandry &
Dairying Ministry of Agriculture,
New Delhi.

.....Respondents.

By Circulation

ORDER

In this application dated 23.8.94, Shri V.B. Saran has prayed for review of judgment dated 29.7.94 in O.A .No.2134/93 'Shri V.B.Saran Vs. UOI'.

2. In that O.A. and by M.A.No.960/94 seeking certain amendments in the relief clause, the applicant had sought;

i) full pension on regular basis taking into account his service from 20.11.59 to 28.2.93;

ii) release of gratuity and commuted value of pension with 12% interest thereon from 28.2.93 till the date it is released.

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3. In relief(i), the applicant sought that his service in U.P. from 20.11.59 to 19.11.73 be counted towards retiral benefits. Prior to joining the Delhi Milk Scheme under GOI on 20.11.73, the applicant worked in the U.P. Pashudhan Udyog Nigam Ltd. from 20.11.59 to 19.9.69 and in the the Kanpur Sehkari Milk Board Ltd. U.P. from 20.9.69 to 19.11.73. By the impugned judgment, this prayer was rejected because^{in M} Paragraph 5(2) of DPAR's O.M. dated 29.8.84 the option to retain CPF benefits or come over to the Pension Scheme had to be exercised within one year from the date of absorption, but the applicant had not exercised his option to come over the pension scheme within the stipulated period(as the benefit itself was not in operation when the applicant joined GOI service and the O.M. had no retrospective application), and the applicant had reportedly received Rs.16,939/- under CPF benefits at the time he left to join GOI service. The applicant in this reviewpetition has pleaded that DPAR's O.M. dated 7.2.86 extending the benefits of counting of service in State autonomous boards to those joining Central Govt. does not specify the time limit of one year for exercise of option. This plea is wrong because Para 3 of DPAR's O.M. dated 7.2.86 clearly specifies that the extention of benefits of counting of service in State Govts/ State Autonomous Bodies/ State Statutory Bodies to those who join the Central Govt. will be governed by the principles laid down in DPAR's O.M. dated 29.8.84. In view of this express position

help him.

4. As regards relief (ii), the impugned judgment recorded that no directions were warranted firstly because the release of gratuity and commuted value of pension was not consequential to counting of the applicant's service in U.P. from 20.11.59 to 19.11.73, and secondly because the respondents in their reply to M.A.No.960/94 have ^{on affidavit in} averred that departmental proceedings are pending against the applicant and it is for this reason that only provisional pension has been sanctioned to him under Rule 9 CCS(Pension) Rules read with Rule 69 CCS(Pension) Rules. For securing this relief it is open to the applicant to work out his rights separately in accordance with law.

5. In the result, the impugned judgment merits no review and this petition is rejected.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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