

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

\* \* \*

O.A. NO.131/89

DATE OF DECISION 30.7.1991

SHRI CHUNNI LAL

...APPLICANT

VS.

UNION OF INDIA & ANOTHER

....RESPONDENTS

CORAM

THE HON'BLE JUSTICE SHRI U.C. SRIVASTAVA, HON'BLE VICE-CHAIRMAN (J)

THE HON'BLE SHRI I.P. GUPTA, HON'BLE MEMBER (A)

FOR THE APPLICANT

....SHRI JOG SINGH

FOR THE RESPONDENTS

....SHRI K.C. MITTAL

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI U.C. SRIVASTAVA, HON'BLE VICE-CHAIRMAN (J))

Against the denial of pensionary benefits, the applicant who retired on 1.6.1984 has approached this Tribunal as the prayer made by him in this behalf was rejected vide order dated 29.7.1985. Even thereafter, the applicant made representations and after serving legal notice on the Union of India, this application under Section-19 of the Administrative Tribunals Act was filed. The applicant was working with All India Radio as Tabla artist since 1945 (01-04-1956 according to the respondents) in a regular grade of Rs.550-25-750-EB-30-900/- . Although the

applicant was to retire on 1-5-1984, but was given one month's extension and was allowed to continue till 31-5-1984. This extension was given despite some proceedings against him in the year 1983 regarding the leave travel concession benefit, reference to which will be made a little later in the judgement.

In the year 1981, the applicant was also one of the staff artists and in the year 1982, the Government introduced the scheme of taking staff artists in Government service vide Ministry's letter dated 3-5-1982. Subsequent thereafter, another Memorandum was issued on 26-9-1983 and the applicant like others was also required to opt for pension scheme which he did.

The memorandum of 1983 provides that it has been decided by the Government to convert some posts of staff artists of All India Radio into those of artists as per the terms and conditions enumerated in Ministry of Information and Broadcasting letter dated 26-8-1983 and those who like to be treated as staff artist in terms of Ministry of Information and Broadcasting letter, may give options and in case options may be not exercised, they will not be eligible for pension and option once exercised, will be final. The said letter of 26-8-1983, inter-alia, referred to the earlier letter of 3rd May, 1982, which said, "A separate order will be issued regarding fee scales & other terms and conditions of service for artists' indicated in para-2 above; thereafter they will be required to exercise

an option in writing within a period of two months indicating their willingness or otherwise to be treated as 'artists'. The option will be invited by Director General of All India Radio and Director General, Doordarshan. The option once exercised, will be final. "It was in pursuance of this that the option referred to above was invited. The letter of 1983 provided that all the existing staff artists who opt to come over to the new terms and conditions will be duly screened by the screening committee. The screening committee will take into account the qualifications including (a) professional qualifications (b) experience (c) record of service of the staff artists & recommend their fitment into the revised appropriate fee grades. It appears that the applicant was taken in a particular grade. It appears that the applicant claimed advance of Rs.3,800/- regarding L.T.C. and in this connection, the certificate given by him was not correct and two different dates and conflicting statements were given by him in his explanations and according to the department, it was found that he did not travel and that is why it was found that he lacked integrity. And it appears that it is on this ground that the benefit has been denied. As a matter of fact, the applicant exercised option which became final and the option was accepted. The screening was

to be done only for the purposes of finding out as to which particular grade, he was to be put in. In other words this was for fitment in the appropriate grade.

However, as a Government servant, he did some act which reflected upon his integrity, but the same in no circumstances could have been taken as a ground for denying him pension after taking option from him. Various payments that a Government servant is entitled after retirement, has admittedly been given including that of gratuity, Government contribution on C.P.F., encashment of terminal leave, C.P.F., contribution towards Central Government Employees Insurance Scheme and some payment of the gratuity etc. not paid earlier, has been paid under the directions of this Tribunal and only dispute remains is about the pension. The applicant was entitled to pension and he could not have been deprived of pension on the ground that the screening committee on the basis of the record, found that his integrity was doubtful. It is a different matter that he may be deprived of the pension on other grounds regarding retirement etc., but not on the ground on which he has been so denied after exercise of the option. His option was never refused and no intimations, whatsoever, was given that his option has not been accepted and accordingly, this

(13)

application is allowed and the respondents are directed to pay pension to the applicant within a period of three months except in case ~~if~~ it is found that he is legally not entitled to the same on different grounds. There will be no order as to the cost.

I.P. Gupta

(I.P. GUPTA)  
MEMBER(A)

U.C. Srivastava

(U.C. SRIVASTAVA)  
VICE-CHAIRMAN(J)