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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
.....

Regn.No.CA-1957/88

Date of Decision 16.11.88

Shri Jagdish Chander Chugh

.... Applicant.

Versus

Union of India & Ors.

.... Respondents.

For the applicant

.... Shri P.T.S.Murthy,
Advocate.

For the respondents
No.2 and 3.

.... Shri A.S.Dhupia, Legal
Adviser.

CORAM: Hon'ble Shri P.K. Kartha, Vice Chairman (Judicial)
Hon'ble Shri P. Srinivasan, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble
Shri P.Srinivasan, Administrative Member)

This application has come up before us for admission today. Shri Murthy, learned counsel appeared for the applicant and the applicant was also present in Court. Shri A.S.Dhupia, learned counsel appeared for the respondents No.2 and 3 along Shri H.C.Singh, Scientist E-II in the Office of the respondent No.3, namely, the Director, Central Mining Research Station, Dhanbad.

2. The applicant was working as Scientist ~~E-I~~ ^{E-II} in the office of Respondent No.3. He was retired from service under FR-56 J with effect from the forenoon of 1.5.1986. His prayers in this application are as follows:

1. that he be paid all retirement dues such as pension D.C.R.G;
 2. that his compulsory retirement be declared illegal.
 3. that he be taken back to service; and
 4. that he be given promotion to higher posts, revision of pay etc. as if he had not been compulsorily retired.
3. The respondents to this application are the Union of India, through the Secretary, Ministry of Science and

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Technology, the Director General, C.S.I.R. and the Director, Central Mining Research Station, Dhanbad. Shri Dhupia submits that since the applicant was in the service of respondent No.3, the other respondents are not concerned with this application and are not proper parties to this application. He also pointed out that the order of compulsory retirement was passed by the respondent No.3. Since respondent No.3 has already been impleaded as a respondent in this application, we do not consider it necessary to examine this contention in detail. Shri Dhupia represents respondent No.3 also.

4. When the matter came up for hearing, Shri Murthy confined his arguments to the grant of pensionary benefits to the applicant and stated that he would, if necessary pursue the challenge ^{as to} the compulsory retirement by way of separate proceedings. We therefore, reject the prayer regarding the legality of the applicant's compulsory retirement as not pressed without expressing any opinion thereon. Shri H.C.Singh, Scientist E-II, Central Mining Research Station, Dhanbad stated that the arrears of pension, gratuity etc. due to the applicant have already been worked out and the cheques were ready to be handed over to him. The arrears of pension and gratuity have been worked out after deducting amounts which, according to the respondents are due from the applicant.

5. In view of the above, we direct the applicant to sign the papers which have been brought by the respondents and to accept the cheques which they have brought with them. If the applicant finds that there is any mistake in calculation of arrears or in the deductions made, he will have the liberty to move this Tribunal by filing a separate application. The applicant also submits that his pay from 1.4.1986 in the revised pay scale has not yet been fixed. The respondents are directed to do this within three months

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from today and to pay the consequent arrears to the applicant within one month ^{thereafter}. M

M 06 6. The learned counsel for the applicant urged that the applicant should be paid interest for the delayed payment on terminal dues. Shri Dhupia pointed out that the fault was that of the applicant as he had not furnished the requisite information regarding books and stores ~~to be~~ M returnable by him and he had also not produced no demand certificate. Shri Murthy submits that the no demand certificate had to be furnished not by the applicant but by the respondents. We feel that both sides are at fault in the matter. However, since the applicant retired more than 2½ years ago, we consider it proper to direct the respondents to pay the applicant simple interest at the rate of 10% for one year on the net amount of gratuity payable to him after adjusting the amounts due from him. Interest should also be paid on the balance standing in the provident fund account at the rate of 12% till the date of its payment compounded with annual rests.


7. In the result, we pass the following orders.

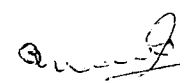
- a) The applicant is directed to sign the papers now made available to him by Shri H.C.Singh.
- b) On his doing so, Shri H.C.Singh representing respondent No.3 will hand over the cheques of arrears to the applicant.
- c) If the applicant is not satisfied with the calculation of the amounts due to him or of the deduction made therefrom, he is at liberty to move a fresh application before this Tribunal
- d) The respondents will fix the applicant's pay in the revised pay scale from 1.4.1986 as expeditiously as possible but not later than three months from today and to pay the arrears due to the applicant thereupon within one month thereafter.
- e) We leave the question of legality of the applicant's compulsory retirement open since it has not been pressed before us.

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- f) Respondents will pay simple interest at 10% for one year on the net amount of gratuity payable to the applicant after deductions. Interest on the outstanding balance in the applicant's Provident Fund account should be paid at 12% per annum compounded with yearly rests.

8. The application is disposed of on the above terms and the parties are left to bear their own costs.


(P. Srinivasan)
Administrative Member


(P.K. Kartha)
Vice Chairman (Judicial)