



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/134/2020

Thursday, this the 2nd day of July, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

Pawan Kumar, age 60 years
S/o Late Shri Brij Lal
R/o JDA Quarter No.52 near last Matador stop
Housing Colony, Janipur Jammu ...Applicant

(Through Mr. K. Nirmal Kotwal, Advocate)

Versus

1. Union Territory of Jammu and Kashmir
Through Commissioner/Secretary
Public Health Engineering Department,
J&K Govt., Civil Secretariat,
Jammu/Srinagar
2. Chief Engineer PHE BC Road, Jammu
3. Executive Engineer PHE Mech Div (North), Jammu
Tehsil & District : Jammu
4. Accountant General
Rajpura Canal Road, Jammu ...Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

Shri Pawan Kumar has filed this OA on 30.06.2020 seeking direction to respondents to settle his pension as per the last pay drawn by him at the time of superannuation and to pay arrears of his pension after

refixation along with payment of withheld gratuity with 18% interest per annum.

2. We have heard today the applicant's counsel Shri K. Nirmal Kotwal and respondents counsel Shri Sudesh Magotra, DAG.

3. In the OA and during arguments of his counsel, the applicant contends that after joining as daily wager, he worked as such upto 31.07.1985 and thereafter was employed as Shift Attendant from 01.08.1985 vide order of Chief Engineer PHE Department Jammu dated 21.08.1985. By order of Executive Engineer, PHE, Mechanical (North) Division Jammu dated 15.11.1997, he was granted in-situ promotion in the pay scale of Rs.825-1200 from 01.01.1995 and accordingly his pay was fixed. He was also given ITI scale benefit from 01.08.1992. As per S.E., PHE Urban Circle Jammu order dated 18.11.2009, he was granted 1st and 2nd in-situ promotion in the pay scale of Rs.4500-7000 from 01.01.1995 and Rs.5000-8000 from 01.09.2003. He retired from service on 31.03.2020 in the pay scale of Rs.35000-112400 (level 6). However, respondent no.4 i.e. Accountant General, Rajpura Road, Jammu has not finalized his pension and other retiral benefits according to the last pay drawn by him. He apprehends that his pension and retiral benefits might be settled with a lower pay scale than he was drawing at the time of his retirement. In support of his claim, he has also cited some case laws and requests for grant of relief mentioned above in para 1.

4. The respondents' counsel, on the other hand, has submitted that he may be permitted to file detailed reply on behalf of the respondents. However, in view of the above submissions, the applicant's counsel submits that the applicant would be satisfied if this OA is disposed of at this stage with direction to the respondents to treat this OA as his representation and decide it in a time-bound manner.

5. In view of the above submissions, we dispose of this OA at the admission stage itself directing the respondents to treat a copy of this OA as a representation of the applicant and decide it as per applicable rules binding instructions and provisions of law within 30 days from the date of receipt of a copy of this order by passing a detailed and speaking order and communicate it to the applicant within two weeks thereafter. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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