

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DATE OF DECISION 3/7/92

D.A. 929/90

Shri V. Narayanan

.. Petitioner

Shri R.N. Kamal

.. Counsel for the petitioner

VERSUS

Union of India & others

.. Respondents

Shri O.P. Khasriya

.. Counsel for the respondents

CORAM

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

Hon'ble Shri I.P. Gupta, Member (A)

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 Hon'ble Shri I.P. Gupta, Member (A))

In the application, the applicant has requested for payments of outstanding retiral dues from his earlier employer, viz. South Eastern Railway. The dues are inuicated in para 4.6 of the application. Interest on the delayed payment has also been claimed.

2. The learned counsel for the applicant

drew our attention to Annexure-A-1. His point was that by an order 4-3-1986, an employee cannot be deemed to have been retired from 1-1-1984 and his lien terminated from a retrospective date. The applicant had gone on deputation from S.E.Railway to RITES and therefore he should be treated as on deputation until orders for termination of his lien in S.E.Railway issued. In otherwords, the applicant should be a deputationist upto 4-3-1986 and deemed to have been absorbed in RITES from that day only. The legal question regarding the retirement/acceptance of resignation for the purposes of permanent absorption in public sector with a retrospective date was considered by Principal Bench on an earlier occasion in DA 617/1987 (Also DA 1028/90) decided

on 21-2-1992. The applicant was an applicant in O.A. 1028/90 also. The direction given was that the resignation accepted by the respondents should be deemed to be operative only from the date of actual acceptance of the resignation and not retrospectively. It was further directed to give all consequential benefits in matters of pay fixation, promotion in accordance with the Rules and arrears of pay and allowances together with simple interest at the rate of 12% per annum till the date of absorption in the RITES. The counsel for the applicant further contended that since Annexure A-1 regarding the termination of lien should be deemed to be effective from 4-3-1986 and since even otherwise, the applicant was drawing pension on 1-1-1986 and his pension was not fully commuted by 1-1-1986, he is entitled to the benefits under the Rationalisation of Pension Structure for pre 1-1-1986 pensioners, since he is to be deemed as a pensioner only on that day.

3. In the above view of the matter, we direct the respondents to pay the outstanding retiral dues of the applicant within a period of 4 months from the date of receipt of a copy of this order, the retiral dues being based on the premise that the permanent absorption of the applicant in RITES should be treated as from 4-3-86 and the applicant should be treated as a pensioner for purposes of the benefits under Rationalisation of Pension Structure (Supra). For payments that may have to be made consequentially and not yet already given simple interest at the rate of 12% should be paid from 1-7-1986 (1st of the month falling 3 months after absorption) till the date of payment. On commuted pension, no interest is payable but pension as reassessed would be payable till the date of payment of commuted pension.

4. With the aforesaid direction, the case is disposed of with no order as to costs.

I.P. Gupta
(I.P. GUPTA) 3/7/92
MEMBER (A)

3/7/92
(RAM PAL SINGH)
VICE CHAIRMAN (J)