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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2772/92

DATE OF DECISION. 7.5.93

Sh.C.P.Mathur Applicant

Vs.

U.O.I. & Others Respondents

FOR THE APPLICANT Sh.Gyan Prakash, counsel

FOR THE RESPONDENTS Sh.K.C. Mittal, counsel

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Hon'ble Member Sh. B.S.Hegde, Member(J))

JUDGEMENT

[Delivered by Sh.B.S.Hegde, Member(J))]

The applicant filed this application
under Section 19 of the Central Administrative
Tribunal, 1985 claiming for the following reliefs:-

- (i) To direct the respondents to implement their orders issued in office Memorandum No.F.32-10/86-Estt(II) dated 9 Nov.,1990 (Annexure P-1)
- (ii) To direct the respondents to revise his pension and other pensionary benefits and to pay the arrears of revised pension and other pensionary benefits and gratuity with effect from 01 September,1990, after counting his services with effect from 07 April, 1952;
- (iii) To direct the respondents to pay at marketrate interests on the arrears of pension and gratuity and other pensionary benefits which has not been paid to the applicant since his retirement on 31 Aug., 1990.
- (iv) To direct respondents to pay expenses/cost incurred by the applicant on this O.A.

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2. The case of the applicant is that though a permanent employee of the National Archives of India (N.A.I.) and attached office of the Government of India, Department of Culture (Under the then Ministry of Education and now the Ministry of Human Resources and Development). He joined in the forenoon of the 25 July, 1962 and continued to serve till he retired after attaining the age of superannuation on 31 August, 1990. He served the National Archives of India for 28-years and he had been granted pension and other retiral benefits based on 28-years of service vide Annexure P-17.

3. Prior to his joining to National Archives of India, New Delhi as Assistant Archives of India (General), the applicant had served the pensionable and permanent establishment of the erstwhile, Govt. of Ajmer and the Government of Rajasthan as LDC/UDC from 07 April, 1952 to 24 July, 1962 (A.N), thereby he served the State Government for 10-years. After the retirement from the age of superannuation he has represented to the respondents on 28-10-91 for the revision of Pension and grant of pensionary benefits on the basis of O.M. No. 32/10-86-Estt(II) dated 9 Nov., 1990 from the National Archives of India, However, the respondents had not given any reply so far. Aggrieved by no response from the respondents, the applicant has filed this petition for enhancing the pensionary benefits.

As per

4. In the facts and circumstances of the case there is no dispute that the Central Government had not considered the services rendered by the applicant under the State Government of Rajasthan, prior to his induction into Central Government. vide their Office Memorandum No.32-10-/86-Estt(II) dated 9-11-90 statingⁿ that sanction is hereby accorded to the counting of service from 07 April 1952 to 24 July, 1962 rendered by Sh.C.P.Mathur, Ex.Archivist (Genl) in the Government of Rajasthan towards the pensionary benefits in the Central Government service in terms of Rule 14 of the Central Service(Pension) Rules, 1972. There is no break in his service as Sh. C.P.Mathur has been employed as Assistant Archivist Grade-II in this department w.e.f. 25 July, 1962.

5. The respondents in the reply stated that the applicant to get revised pension including service rendered by him in the State Government and had been made required correspondence to the State Government, but no response from the State Government. During the course of hearing today the Ld.counsel for the applicant drew my attention to the decision rendered by this Tribunal in DA No. 1291/91 in the case of Sh.K.P.Dohare V/s U.O.I.

Sh. K. P. Dohare

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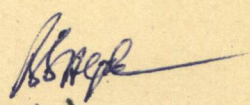
and others where this Tribunal states, in the fact and circumstances of the case, the applicant is entitled to succeed and the applicant shall be paid interest on all delayed payment. Interest shall be paid at the rate of 12% per annum for the period of delay.. This case is clearly covered by the decision of this Tribunal and, therefore, there is no dispute regarding payment of revised pension benefits.

6. Keeping in view of the Supreme Court decision in the case of D.S. Nakra V/s U.O.I. AIR 1983 SC 130 that any delay in the disbursement of pensionary benefits, the applicant is entitled to get the payment alongwith penalty of interest at current rate till the actual payment is made. As there is no discrepancy or irregularity regarding the inclusion of the services rendered by the applicant in the State Government of Rajasthan while calculating the pensionary benefits and keeping in view of the decision of this Tribunal, there is no other alternative but to allow the application. Accordingly, I allowed the O.A. and direct the respondents to pay interest of all the delayed payment @ 12% for the period of delay i.e. 1.9.1990 till actual payment is made. The applicant is further directed to make a detailed representation mentioning various

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amounts due to be added in the calculation of the services rendered in the State of Rajasthan and its amount etc. and the same be disposed of by the respondents within a period of two months from the date of receipt of this order.

7. The D.A. is accordingly disposed of, with no order as to costs.


(B.S. Hegde)
Member (J)