

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.  
\* \* \* \*

Date of Decision: 31.7.92

1. OA 381/92

P.N. MALLICK & ANR.

... APPLICANTS.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

OA 782/92

J.C. KATOCH

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicants

... SHRI B.K. AGRAWAL.

For the Respondents

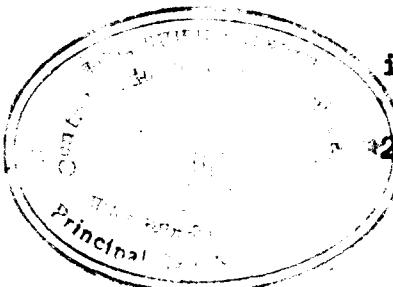
... SHRI P.K. JAIN,  
proxy counsel for  
SHRI Y.K. JAIN.

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

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

In the case of P.N. Mallick and M.S. Sachdeva, applicants in OA 381/92, have assailed the fixation of less pension and payment of pension and retiral benefits in violation of the CCS (Pension) Rules, vide PPO dated 29.8.88 and 28.1.88 respectively. The applicants



retired as Asstt. Communication Officer from the office of the Director General of Civil Aviation but they were placed at the disposal of National Airport Authority on deputation. When they were working with National Airport Authority the applicants were promoted as Senior Communication Officer on adhoc basis and both the applicants continued as Senior Communication Officer till the date of their retirement on superannuation w.e.f. 3.4.88 and 31.1.88 respectively. At the time of retirement the applicants were working in the scale of Rs.3000-4500 and the last pay drawn by both of them was Rs.3750 + Usual Allowances. However, the pension granted to the applicant Shri Mallick is only Rs.1745/- while that granted to Shri M.S. Sachdeva Rs.1735/- respectively. The respondents did not give the benefit of the adhoc promotion as Senior Communication Officer with the National Airport Authority and put them in the grade of Rs.2200-4000. Thus, the applicants have claimed the benefit of their adhoc service as Senior Communication Officer.

2. In the case of J.C. Katoch, he has assailed the negligence and bias and has claimed his individual similar grievance of wrong fixation of pension at Rs.1319/-.

In this case also the applicant has been an employee of the Ministry of Civil Aviation and Tourism and was placed on deputation with National Airport Authority. While the respondent concerned has not specified the new designation of the applicant was serving with the respondent No.2 the applicant

was promoted as Communication Officer on adhoc basis w.e.f. 5.5.87. The applicant's superannuation was on 31.12.88 at that time the applicant was drawing the basic pay of Rs.3725/- . The applicant was not given benefit of adhoc promotion with National Airport Authority in fixing his pension.

3. The relief claimed in both the applications is the same that the respondents be directed to fix the pension of the applicants in accordance with the rules that is on the basis of average of last 10 months' pay drawn by the applicants; Interest be also paid on the delayed payment. Since the relief claimed by the applicants in both the Original Applications is the same and the respondents are also the same so both the applications are disposed of by a common judgement.

4. I have heard the learned counsel for the parties at length and perused the records. The present application are covered by the judgement in OA 293/90 decided by the Principal Bench on 9.8.91 M.S. Singhal Vs. UOI. In that case, a Division Bench considered the case of the applicant Shri Singhal, who was also Asstt. Communication Officer in the Ministry of Civil Aviation and was placed on deputation with National Airport Authority. While Shri Singhal was on deputation with National Airport Authority,

Shri Singhal was promoted as Assistant Communication Officer in the grade of Rs.2200-4000. The benefit of adhoc promotion and of the salary drawn in National Airport Authority was ordered to be given to the applicant while calculating the average of last 10 months' pay. The following direction was issued to the respondents in that case :-

"We, therefore, allow the application and direct the respondents to fix the pension and other retirement benefits to the applicant on the basis of the average of pay drawn by him during the last ten months regardless of the fact that he was holding the post on an adhoc basis. The pension and other retirement benefits shall be computed on the above basis. The applicant would also be entitled to interest at the rate of 12% on the outstanding amount due to him from the date of retirement to the date of payment. The respondents shall comply with the above directions within a period of three months from the date of receipt of this order.

There will be no order as to costs."

5. The learned counsel for the respondents argued that the matter is under consideration of the respondents, and there are similar other cases also but since the matter is already covered by the judgement so both the Original Applications are disposed of with the following directions:-

a) The respondents are directed to fix the pension and other retirement benefits of the applicants in both the Original Applications on the basis of the average of pay drawn by them during last 10 months regardless of the fact that they were holding the post on adhoc basis. The pension and other retirement benefits shall be computed on the above basis. The applicants shall also be entitled to interest

at the rate of 12% on the outstanding amount due to them from the date of retirement to the date of payment.

b) The respondents shall comply with the above directions within a period of three months from the date of receipt of this order. In the circumstances, parties to bear their own costs.

( J.P. SHARMA )  
MEMBER (J)

CERTIFIED TRUE COPY

दिनांक/Dated.....

अत्तमांग अधिकारी/Section Officer

केन्द्रीय प्रशासनिक अधिकारी

Central Administrative Tribunal

विधायक विधायिका, नई दिल्ली

Principal Bench, New Delhi

