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		<p style="text-align: center;"><u>M.A.490/94</u> IN <span style="float: right;"><i>m</i></span>  <u>O.A.1047/93</u> <span style="float: right;">7, 10.94</span></p> <p>Present : Shri K.L. Bhandula, Counsel for the Applicant</p> <p>Shri M.L. Verma, Counsel for the Respondents.</p> <p>In this M.A.No.490/94 arising out of O.A.No.1047/93 Shri H.R. Sindhwani, Retd. Senior Supervisor Grade-I, Central Water Commission, has prayed for a direction to the respondents for correct finalisation of the applicant's pension case and actual payment of dues with interest beyond six months i.e. from 1.09.93 within a specified term.</p> <p>2. In that O.A. the applicant had stated that he joined the C.W.C. on 14.10.1963 and was transferred to the Salal Hydro Electric Project Office, Jyotipuram on 14.04.1974. Subsequently that Project was handed over to the National Hydro-Electric Corporation (N.H.P.C.) on agency basis. The employees were considered either to continue as govt. servants w.e.f. 1.04.83 or were absorbed. The applicant contends that he continued as a government servant, as no action was taken on his prayer for absorption only if his previous government service was taken into account. Eventually, he and Shri Romain singh filed O.A.No.613/87 in May, 1987 for absorption w.e.f. 1.04.83,</p>

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		<p style="text-align: center;">- 2 -</p> <p>which was disposed of by judgement dated 23.09.92, in which it was held that two applicants continue to be Government servants on transfer to N.H.P.C. till they were absorbed there or who repatriated to their parent cadre in the C.W.C. The respondents were directed either to repatriate the applicants to the C.W.C. or to absorb them in N.H.P.C. with consequential benefits. The applicant states that he opted for repatriation to his parent cadre. Meanwhile, the Project Authorities had issued office Order dated 17.12.92 (Annexure A-III) stating that consequent upon attaining the age of superannuation, the applicant would retire from the services of the Salal Project w.e.f. 28.02.1993 and, therefore, would stand relieved from that Project on 28.02.93 (A.N.). The applicants pension papers were duly completed and forwarded by the Project Authorities to the C.W.C. on 22.01.93 but according to him the respondents had not released his retiral benefits, and he therefore prayed for immediate release of the same.</p> <p>3. In their reply to the O.A. the Respondents had stated that the applicants' pension papers along with his service book had been forwarded to the Pension Payment Authority and pending finalisation of his</p>

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<p>pension case, 100% provisional pension @ Rs.1029/- p.m. for six months w.e.f. 1.03.93, and 100% provisional gratuity of Rs.29,925/- (after deducting Rs.4000/- on account of Transfer T.A. due and withholding of Rs.1000/-) was sanctioned to him under Rule 64 CCS (Pension) Rules by Order dated 8.10.93 (Annexure-I).</p> <p>4. The O.A. was heard and disposed of by Order dated 1.11.93. The contents of Order dated 8.10.93 were noted and the Respondents were directed to release the sanctioned sum within 4 weeks, failing which interest @ 12% per annum would accrue. The respondents were also directed to settle the issue regarding payment of pension beyond 31.08.93 within 2 months. As the applicant had disputed the quantum of provisional pension, he was given the liberty to file an M.A. in case he found the settlement of dues was not made in accordance with the Rules.</p> <p>5. On 8.02.94 the applicant filed M.A. No.490/94, claiming pension on the basis of pay drawn by him during the last 10 months of his service beyond six months and also provisional pension calculated on that basis. He filed a statement with the M.A. (Annexure A-IV) claiming pensionary deposits upto 31.12.93 which amounted to Rs.75000/- and stated that in addition</p>		

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