

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.Allahabad, this the 9th day of ~~June~~^{July} 2002. (12)QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MR. S. DAYAL, A.M.

O. A. No. 1190 of 1997.

B.S. Garg s/o Late M.S. Garg, retired Meteorologist Grade-I,
India Meteorological Department r/o B-5, Pallav Puram, Meerut.
..... Applicant.

Counsel for applicant : Sri W.H. Khan.

Versus

1. Union of India through Secretary, Department of Science and Technology, Technology Bhawan, New Mahrauli Road, New Delhi.
2. Director General of Meteorology, India Meteorological Deptt., Lodhi Road, New Delhi.

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..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDERBY MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 6.9.96 and 9.4.97 issued by respondent No.1. A direction to the respondents is sought to fix the applicant's pension and other retiral benefits treating his basic pay to be Rs.4750/= on the date of his retirement which was 30.4.97. A direction is also sought to the respondents to make payment of arrears to the applicant with an interest of 24% per annum.

2. The applicant claims that an order of punishment dated 27/31.10.94 was passed against him by the President reducing his pay by three stages from Rs.4500/= to Rs.4150/= in the time scale of pay of Rs.3000-100-3500-125-4500 for a period of three years w.e.f. 1.12.94. It was further directed that Sri B.S. Garg would not earn the increment of pay during the period of reduction and that on expiry of this period, the deduction will not have the effect of postponing the future increments of pay. It is claimed that the period of punishment

was to expire on 30.11.97 and the applicant was to retire from service on 30.4.97 under apprehension that his retiral benefits would be calculated on the basis of reduced pay at Rs.4125/=. The applicant filed a Rev. Petition under Rule 29 of CCS(CCA) Rules 1965 on 25.4.95. The said petition was rejected by the impugned order dated 6.9.96. The applicant, thereafter, gave a review application on 25.2.97. No decision was communicated to the applicant. The applicant's pension was fixed at the reduced pay of Rs.4125/= instead of Rs.4750/= The applicant claims that the order of punishment against him implied that the applicant would get two stagnation increment falling on 1.2.95 and 1.2.97 and his pay would be Rs.4750/= as on 1.2.97. He claims that since the penalty was imposed without cumulative effect, his retiral benefits/pension could not be adversely affected.

3. We have heard the arguments of Sri W.H. Khan for applicant and Sri R.C. Joshi for respondents.

4. Counsel for the applicant has contended that the disciplinary authority had mentioned in the order that the reduction will not have the effect of postponing the future increments of his pay. He contends that he was entitled to draw the pay on expiry of the period of punishment on 1.12.97 which he would have drawn in normal course. Therefore, he was entitled to be paid his pension and other retiral benefits at Rs.4750/= per mensem. He also contends that disciplinary authority have no intention of reducing his pension. He has, in this connection, referred to Hand book for disciplinary authorities by G.B. Singh and Gurnmeet Singh, Vth addition. In chapter 18 regarding penalties which can be imposed, para 13 reads as follows :-

"where the penalty is imposed without cumulative effect it can be done normally for a period exceeding three years but may be imposed for a lesser period if it adversely affects pension of the employee."

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He has drawn attention to illustration (ii) on page 19 to contend that he would be entitled to get Rs.4750/= on expiry of his punishment.

5. We have considered the submissions made on behalf of the applicant. We find from the order of punishment that it is clearly stated in the impugned order of punishment that the pay of the applicant would be reduced by three stages from Rs. 4500/= for a period of three years w.e.f. 1.12.94 and that the applicant was to earn no increment of pay during the period of reduction and only after the expiry of this period, the reduction was not to have effect of postponing the future increments of pay.

6. We find that applicant retired on superannuation on 30.4.97 when the period of punishment was still current. His pay drawn on 30.4.97 was, therefore, Rs.4125/= only or its corresponding stage in the pay scale granted by the Vth Central Pay Commission and accepted by the Government. We cannot read any intention in the order of punishment of the applicant that the disciplinary authority did not intend to reduce his pension. It is up to the disciplinary authority to pass the order of punishment and since the punishment was to run beyond 30.4.97, when the applicant superannuated, the only conclusion can be that the disciplinary authority did intend that his pension was to be affected. The illustration in the book also makes it clear that the future increments would come into effect only after the punishment is over which in this ^{case} was 30.11.97. The disciplinary authority has clearly mentioned in the order that the applicant was to earn no increment during the period of reduction.

7. Therefore, we find no merit in the ^{application &} ~~applicant~~ and the same is dismissed. There shall be no order as to costs.


A.M.


V.C.

Asthana/
12.6.02