

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 01st day of November 2002.

Original Application no. 868 of 2001.

Hon'ble Mrs. Meera Chhibber, Judicial Member.

R.S. Mathur, S/o Shri R.S. Mathur,
Retd. Principal Chief Conservator of Forest,
Uttar Pradesh- Presently residing at 35, HIG,
Duplex, Birj Vihar, Ghaziabad.

... Applicant

By Adv : Shri D.C. Saxena

Versus

1. Union of India through Secretary,
Department of Environment & Forests,
Govt. of India, New Delhi, Paryavaran Bhawan,
CGO, Complex, New Delhi.
2. State of UP through Secretary,
Dept. of Forest, UP Secretariate,
Lucknow.
3. Director, Directorate of Pension,
Indira Bhawan, 8th Floor,
Lucknow.

... Respondents

By Adv : Shri K.P. Singh

O R D E R

Hon'ble Mrs. Meera Chhibber, Member J.

This O.A. has been filed by the applicant against the order dated 06.06.2001 whereby his pension has been reduced from Rs. 9398/- to Rs. 7878, as per order dated 19.10.2000 (Pg. 21). The applicant has drawn my attention to the judgment given by this Tribunal in one of his earlier OA no. 1810 of 1993, decided on 08.04.2002, whereby he had challenged the show cause notice dated 20.10.1993. A perusal of the judgment shows that right from the beginning the applicant has been knowing the door of the Court of law

....2/-

2.

for getting justice and there have been structure passed against the respondents by the Court for passing ^{wrong} ~~orders~~, which ^{were} ~~was~~ challenged by the applicant. In fact while the quashing the show cause notice the Tribunal has held that ^{R issued to applicant R} the charges ^{suffers} from bias. However, today it need not to go into ^{all that has} ~~that has~~ become history now. What is relevant today is that vide its judgment dated 08.04.2002, the Tribunal after quashing the show cause notice had already directed the respondents that in case the applicant is yet to receive any arrear of retiral benefit, the same shall be given to him with interest @ 15% from the date the arrear was due till the date of payment and allowed the cost of Rs. 650/- in the O.A.

2. The respondents have submitted in their counter affidavit that the pension was reduced due to the pendency of the charge sheet and Govt. of India's order issued by State of UP on 19.10.2000. The impugned order in the present O.A. is dated 06.06.2001 i.e. prior to the date when the earlier O.A. was decided. Today when the matter came up, the applicant's counsel was really at pain to show how his client has been harassed and inspite of the Court's direction till date his full pension/arrears/retiral benefits have not been released. Therefore, he prayed that the impugned order may be quashed and direction may be given to the respondents to release all the amounts due to the applicant within a stipulated period and cost of the O.A.

3. Learned counsel for the respondents at the out set submitted that in view of the order already passed in O.A. no. 1810/93, the order dated 06.06.2001 has ^{R no R} ~~any~~ relevance any longer. The case of the applicant has already been

....3/-

3.

taken up with the authorities for releasing his full pension and amount due to the applicant. On a pointed question put to the learned counsel for the respondents as to how long the respondents will take to make the actual payments to the applicant, the learned counsel for the respondents fairly stated that let some direction be given to the respondents fixing the stipulated period within which the amount due to the applicant should be paid. ¹² otherwise, the matter has already been taken up with the authorities ¹² and payments shall be made in due course. ¹²

4. In view of the statement made by the respondent's counsel, I think that this OA can be decided by giving a direction to the respondents to make actual payment of arrears on account of full pension and other retiral amounts due to the applicant alongwith his full pension from the prospective date within a period of 2 months positively by giving the statement explaining the calculation of amount ¹² made ¹² by the respondents. The respondents have already been given a ¹² direction by the Tribunal in its earlier order itself that the applicant shall be entitled to 15% interest on the said amount from the date they became due till the date of actual payment. Therefore, the respondents shall calculate the said amount on account of interest also upto the date of actual payment and in view of the fact which ~~has already~~ been emerged ¹² from the different judgments passed infavour of the applicant in the earlier OAs, I would like to ¹² caution ¹² and make clear to the ¹² question is to the respondents that in case the amounts are not paid to the applicant within stipulated period the rate of interest would be raised from 15% to 18%. In fact this is a case which calls for award of cost also, ¹² but since the applicant has already been given the cost in ~~the~~

4.

P would be R
earlier O.A., I do not think it appropriate to repeat
the same relief infavour of the applicant. His rights
have been *well* ^R protected and it is ^{expected} accepted that the
respondents would comply with the direction at least
now. With these directions, the O.A. is disposed of
with no order as to costs.

R
Member (J)

/pc/