

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA



O.A. No.350/00930/2019.

Date of order : This the 25th Day of November, 2020.

Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble Mr Tarun Shridhar, Administrative Member



Pankaj Kr. Gure,
S/o Late Gosto Behari Gure,
Aged about 63 years,
Retired under superannuation as
Stenographer Gr. II under the overall
control of Principal Chief Commissioner
of Income Tax, West Bengal & Sikkim,
at present residing at 22 Madan Pal Lane,
P.S. Kalighat,
Kolkata - 700025.

..... Applicant.

By Advocate Mr C. Sinha.

-Versus-

1. Union of India,
through the Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi - 110070.
2. Principal Chief Commissioner of Income Tax,
West Bengal & Sikkim,
Aayakar Bhawan,
P-7, Chowringhee Square,
Kolkata - 700068.
3. Principal Commissioner of Income Tax-15,
Kolkata, 3, Govt. Place (West),
Kolkata - 700001.
4. Asstt. Commissioner of Income Tax,
Circle-44, Kolkata & Head of Office,
3, Govt. Place (West),
Kolkata - 700001.
5. Dy. Controller of Accounts,
Central Board of Direct Taxes,
Zonal Accounts Office,

Bamboo Villa (Annexe),
169, A.J.C. Bose Road,
Kolkata - 700014.

6. Sr. Accounts Officer,
Central Board of Direct Taxes,
Zonal Accounts Office,
Bamboo Villa (Annexe),
169, A.J.C. Bose Road,
Kolkata - 700014.



.....Respondents.

By Advocate Mr R. Halder

ORDER (ORAL)

Mr Tarun Shridhar, Member(A)

The applicant by way of this O.A has sought a direction to the respondents for release of his pension, 10% of withheld DCRG and other retiral benefits due to him.

2. The brief facts of the case are that the applicant was initially employed as a Junior Stenographer under the Ministry of Steel. Subsequent to his promotion he retired on attaining the age of superannuation on 30.11.2016 as Stenographer Grade-II. In the interregnum the applicant had been re-deployed in the office of Chief Commissioner of Income Tax, Kolkata in the year 2005 as the present office of the applicant i.e. Development Commissioner of Iron and Steel, Ministry of Steel, Government of India had been permanently closed in May 2003 rendering the staff surplus.

3. The respondents have submitted that provisional pension has already been sanctioned in favour of the applicant but his pension issues could not be finalised on account of non availability and non verification of his service record.

4. The learned counsel for the applicant has made vehement plea before us that denial of final pension and other retiral benefits is not only illegal and

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unjust but also causing hardship to the applicant. He contends that the applicant has obtained vigilance clearance and there are no grounds to withhold his pension and other retiral dues which includes upto 10% amount of DCRG. Learned counsel further opposes the arguments adduced by the learned counsel for the respondents that the reasons for non finalisation of pension are bonafide as the service book of the applicant has not been traceable, subsequent to his re-deployment from his earlier office to the office of Commissioner, Income Tax.



5. We have heard the learned counsels for both the parties and examined the records and documents of the case. Admittedly, the applicant has been a Government servant who was re-deployed from one office to another office of Government of India as far back as in the year 2005. His retirement is now also 4 years old. The plea that his service record could not be traced and hence has not been verified is not tenable, since being the custodian of the service book, it is the responsibility of the employer to maintain its safe custody as also ensure its updation and verification periodically. No blame can be placed at the door of the applicant for non availability or non verification of the service book. Another plea taken by the learned counsel for the respondents and also stated in their reply is the information that the applicant remained under suspension for a period of 6 months from March to October 1995 and hence they would require necessary clarification on this issue for obtaining vigilance clearance. Now this event is 25 years old. Again it is the responsibility of the concerned department to ensure that the service records contains necessary clarification with respect to this issue and also that the record is available. Denial of pension for an event of 25 years old is patently unjust and illegal.

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Moreover, merely because an employee has been under suspension once during his service career is also no legal ground to withhold the pension.

6. After careful consideration of the entire case we issue direction to the competent authority of the respondents to issue the final pension order and release the pension of the applicant forthwith, in any case not later than a period of 60 days from the date of receipt of a copy of this order. Similarly the withheld amount of DCRG and all other legitimate retirement due should also be released without fail within this period.

7. O.A is accordingly disposed of. No order as to costs.




(TARUN SHRIDHAR)
MEMBER (A)


(BIDISHA BANERJEE)
MEMBER (J)