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Central Administrative Tribunal
Cuttack Bench: Cuttack

Original Application No: 117 of 1991

Date of decision: 17th July, 1992

Chakradhar Kar Applicant

-Versus-

Union of India and others Respondents

For the Applicant : Mr. J.N.Jethi, Advocate.

For the Respondents : Mr. R.C.Rath, Additional St.Counsel.

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CORAM:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN
A N D

THE HONOURABLE MR. M.Y.PRIOLKAR, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? ND
3. Whether Their Lordships wish to see the fair copy of the judgment Yes

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J U D G M E N T

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to direct the Opposite Parties to grant ex-gratia payment of pension with effect from 1st January, 1986 as per the Recommendation of the IVth Pay Commission with all consequential benefits.

2. Shortly stated the case of the petitioner is that he has since retired on superannuation after serving under the South Eastern Railway for a long time. The Petitioner was working under the contributory Provident Fund scheme and hence he had received sum amount due to him. Prayer of the petitioner is that Ex-gratia payment be made to the petitioner as a pensionary benefit as per the recommendations of IV th Central Pay Commission and hence this application has been filed with the aforesaid prayer.

3. In their counter the Opposite Parties maintained that no orders having been passed by the Government to the above effect, benefit as prayed for by the petitioner cannot be given to him. The Government orders should be awaited.

4. We have heard Mr. J.N. Jethi learned counsel appearing for the petitioner and Mr. R.C. Rath learned Additional Standing Counsel (Central) for the Opposite Parties.

5. The fact that a recommendation having been made by the IVth Central Pay Commission to give an exgratia payment on account of pension to the retired employees who opted for Contributory Provident Fund was not disputed before us but it was contended by Mr. Rath that Government not having accepted

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the recommendations as yet and no orders having been passed by the Government on such recommendations, It would not be just and proper to pass a decree in favour of the Petitioner on this account. On the other hand Mr. Jethi contended that the matter is pending for a very long time for consideration by the Government and perhaps many such retired employees will get the benefit if the recommendations of the IVth Central Pay Commission is accepted by the Government. We have given our anxious consideration to the argument advanced at the Bar. This Bench in its judgment dated 15th July, 1992 passed in OA 459 of 1990 (a case of similar nature) relied on a judgment of the Hon'ble Supreme Court in AIR 1983 SC 130) and held that the benefit on this account cannot be given to the Petitioner in the said case because no orders have been passed by the Government accepting the recommendations. We do not find any reason to take a view other than what has been taken in the judgment passed in OA 459 of 1990. Similar view had also been taken by the learned single judge of this Bench in the judgment passed in OA 420/1990. Therefore, we find no merit in this case which stands dismissed leaving the parties to bear their own costs.

M
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench/17.7.92



[Signature]
17.7.92
VICE CHAIRMAN