

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 666 of 1995

Cuttack this the 3rd day of March, 1996.

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|--------------------------|-----|------|-------------|
| GANDHARB SAHOO | ... | ... | APPLICANT |
| | | VRS. | |
| UNION OF INDIA & OTHERS. | ... | ... | Respondents |

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

N. SAHU
(N. SAHU)
MEMBER(ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
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CORAM:

THE HONOURABLE MR. N. SAHU, MEMBER(ADMINISTRATIVE)

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Gandharb Sahoo, Helper,
Aviation Research Centre,
Charbatia, District-Cuttack
at present working as Mechanic cum
Operator, NALCO, At/Po-Damanjodi,
District-Koraput, Orissa.

.... Applicant

By the Applicant : M/s. Budhadev Routray, A.K. Mohanty,
B. Parida, B. Sarangi, S.S. Kanungo,
A.K. Baral, Mrs. B. Das, Advocates.

-Versus-

1. Union of India represented through
its Secretary, Space and Research,
Cabinet Secretariat, New Delhi.
2. Deputy Director, (Admn.)
Aviation Research Centre,
Charbatia, District-Cuttack.
3. Director of Accounts,
Cabinet Secretariat, New Delhi.

.... Respondents

By the Respondents: Mr. Ashok Mohanty, Senior Standing
Counsel (Central).

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O R D E R

MR. N. SAHU, MEMBER (ADMINISTRATIVE):

The applicant joined as Helper in Aviation Research Centre, Charbati in the District of Cuttack. On 2. 6. 1983, he was selected as Mechanic-cum-Operator in the Mines Division of NALCO at Keonjhar. His grievance in this petition is as under :

The C.G.E.I.S. amount, Old and new Bonus two days Salary (i.e. 1st and 2nd June, 1983) Group Insurance for total service period, Pension, D.C.R.G. amount and pay benefits from January, 1983 to May, 1983 as per the 4th Pay Commission Report of the applicant be released forthwith. The G.P.F. amount be transferred to the P.F. account of NALCO.

2. The Respondents claimed that the applicant by Annexure-7 had sent an undertaking that he would either revert or resign from the Parent Department at the end of two years. The Respondents stated that the applicant

was a quasi-permanent employee and in the absence of either reversion or resignation, they were not in a position to settle his claims firmly and finally.

The Respondents stated as under :-

- a. His G.P.F. balance has been transferred to NALCO (Para-9 of the counter).
- b. CGEIS balance upto 31.12.1981 has been credited to G.P.F. account which had subsequently been transferred to NALCO.
- c. Two days salary was drawn in his favour but as the same was not collected by the applicant within 90 days of drawal, it was refunded to the Director of Accounts as per Rules. This again will be redrawn and paid to him.
- d. Group Insurance Pension is a terminal benefit and this would be paid to him only after his resignation is accepted.

As against the above stand of the Respondents, the applicant's case is that he joined in ARC, Charbatia on 21.6.1969. After completing three years, he became a permanent employee of Charbatia and continued there till

2.6.1983. He was selected for appointment in NALCO. He gave an undertaking that at the end of two years he would either revert back to or resign from the Parent Department. On this basis he was relieved on 2.6.1983. On 27.3.1985, he made an application to the Respondents requesting for reversion to his original post. His grievance is that there was no response to this. Therefore, he applied further extension of lien on 3.5.1985. He disputed ~~at~~ crediting of CGEIS benefit to the GPF account. His claim is that he did send his letter of resignation in July, 1985. A.R.C. did not grant him a receipt. He says that he is prepared to send a fresh resignation letter. He stated that the applicant after completion of ten years of service after 1973 is entitled to get the benefit of 3rd Pay Commission benefits.

3. After going through the various submissions and hearing the counsel for the Respondents, the following two aspects shall be kept in view by the Respondents.

- (1) Procedural delay on his part in complying with a requirement shall not stand in the way of payment to him of his retirement dues.
- (2) ARC shall guide and advise him being a class IV low paid employee of his rights and obligations resignation.

Keeping the above two ~~facts~~ ^{aspects} in view, the following directions shall be complied with.

- a. Within one month from the date of receipt of the order, the applicant shall meet the Deputy Director(Admn.) ARC, Charibatia, Cuttack, Respondent No. 2 in person. He shall submit in person his decision either to revert back or to resign from the ARC. Within four weeks of the receipt of the applicant's letter, the respondent No. 2 in consultation with the necessary authorities shall pass an order on such a request and ensure that the orders so passed are communicated to the applicant;
- b. Within 8(eight) weeks of final decision being taken, whatever, retirement benefits ~~are~~ due to him shall be paid. His salary and bonus whatever is due shall also be paid. There shall be a reasoned order accepting or rejecting his claims. whatever the ARC accepts, ~~the claim~~ payment shall be promptly made. Acknowledgement of having paid the dues shall be taken and

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preserved.

c. A reasoned order shall be passed on his claim that he is entitled to receive 3rd Pay Commission's benefits.

Respondents shall comply with the above directions strictly in accordance with the time frame fixed above. In the result, the application is disposed of as above. There would be no order as to costs.


(N. SAHU)
MEMBER (ADMINISTRATIVE)

KN Mohanty.