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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 336 OF 2012
CUTTACK, THIS THE 30th DAY OF January, 2015

Surendranath Khuntia.....Applicant

Vrs.

Union of India & OrsRespondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? ✓
2. Whether it be referred to PB for circulation? ✓


(A.K.PATNAIK)
MEMBER (J)

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ORIGINAL APPLICATION NO. 336 OF 2012
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CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Sri Surendranath Khuntia,
aged about 89 years,
Son of Late Kshetrabasi Khuntia,
C/o. Gopinath Mohanty,
At-18, Nayapalli, VIP Colony,
P.O./P.S. Nayapalli, Dist. Khurda.

...Applicant

(Advocates: M/s-M.R. Mishra, R.B. Sinha)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Personnel Public Grievance and
Pension Department, Loknayak Bhawan,
New Delhi.
2. Addl. Secretary to Govt. of Orissa,
General Administration Department,
Bhubaneswar, At/P.O. Bhubaneswar,
Dist.Khurda.
3. The Sr. D.A.G. (Pension) A.G. (A & E) Orissa,
Bhubaneswar, At/P.O. Bhubaneswar.
Dist.Khurda.
4. The Principal Accountant General (A & E) Orissa,
Bhubaneswar, At/P.O. Bhubaneswar.
Dist.Khurda.

... Respondents

(Advocate: Mr. L. Jena, ASC & Mr. G.C. Nayak, GA State)

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ORDER

A.K. PATNAIK, JUDICIAL MEMBER

The applicant who is a retired IAS Officer of the State of Odisha cadre has filed this OA under section 19 of the A.T. Act, 1985 praying for a direction to the Respondent No.7 (the Chief Manager, State Bank of India, Forest Park Branch, Bhubaneswar) i.e. the pension paying Bank of the Applicant, to

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release all the pensionary benefits as per the Government of India Memorandum with further prayer to direct the Respondents to consider his representation within a stipulated period.

2. The facts which are not in dispute that the Applicant retired from Government service on 30.04.1981. On the recommendations of the 6th CPC, the Government of India revised pension/family pension of all the pre-2006 AIS pensioners/family pensioners vide OM dated 01.09.2008 followed by subsequent clarification/modification vide OM dated 03.10.2008 and 14.10.2008 respectively. The Government of Odisha adopted those regulations/modifications contained in the aforesaid OMs in so far as AIS pensioners/family pensioners who retired prior to 01.01.2006 vide OM dated 11.05.2009. Applicant submitted representation praying for grant of the benefits of the OM dated 11.05.2009. On receipt of the said representation, the AG (A&E), Odisha forwarded the same to the GA Department of the Government of Odisha for necessary examination to revise the pension of the applicant. The GA Department vide letter dated 31.12.2010 intimated the pay particulars and corresponding revised scale of pay w.e.f. 01.01.2006 of the applicant to the AG (A&E), Odisha.

3. Respondent No.2 has filed a counter in which it has been stated that the Government of Odisha have adopted the decision of the Government of India regarding enhancement of pension/family pension in respect of AIS Officers who retired on or before 01.01.2006 and also the OM for enhancement of pension/family pension for the pension holders who crossed the age of 80 years. In the instant case it has been stated that it is the duty of the pension payment authority, i.e. Office of the AG (A&E), Odisha (Respondent No. 4) to calculate the increased pension and issue necessary for payment to the applicant and

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Government of India i.e. Ministry of Personnel & Public Grievances and pensioners, Department of Pension and Pensioners Welfare (Respondent No.1) has no role to play.

4. Separate counter has been filed by Respondent Nos. 3, 4 & 6 in which it has been stated that Respondent No.4 i.e. Principal Accountant General, (A&E), Odisha received the statement of notional pay of the applicant from the GA Department, Govt. Of Odisha the same was sent to the concerned Treasury Officer without any instruction for fixation of revised pension on Rs.22, 000/- . Applicant has filed rejoinder.

5. Heard Mr.M.R.Mishra, Learned Counsel for the Applicant, Mr.L.Jena, Learned Additional CGSC appearing for Respondent Nos. 3,4 &7 and Mr.G.C.Nayak, Learned Government Advocate for the State of Odisha and perused the records.

6. Mr. Mishra submitted that it is most unfortunate on the part of the Respondents that despite the OM dated 01.09.2008 and the OMs issued from time to time dealing with the payment of enhanced pension/family pension to the pre-2006 retirees who have crossed the age of 80 years the applicant who is more than 80 years of age is running from pillar to post to get his rightful dues of enhanced pension. Mr.Mishra submitted that the entitlement of the enhanced pension is not in dispute but the applicant became a victim to a controversy regarding the competency of the authority to revise the pension. He has contended that as the applicant was a IAS of Odisha cadre and retired while working under the Government of Odisha, it was the duty of the Government of Odisha to do the needful for extending the benefit of the enhanced pension as per the OM issued

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from time to time. Hence he has prayed for direction to the Respondent No. 2 to take immediate steps for upward revision of pension and payment of arrears.

7. Mr.Jena, by drawing our attention to clause 14 of the OM dated 11.05.2009 submitted that it is the responsibility of the pension disbursing authority to revise the pension of pre-2006 AIS pensioners with effect from 1.1.2006 and since the applicant retired from service in the year 1981 his case is covered by that OM and, therefore, the Respondent No.4 wrote a letter to the District Treasury Officer, Khurda on 17.01.2011 to implement the Government decision and to calculate the pension of the applicant which received no response from the said authority. In other words, it is the stand of Mr.Jena that Respondent No.4 has nothing to do in the matter.

8. Mr. Nayak submitted that the applicant has been drawing his regular pension from the State Bank of India, Forest Park Branch, Bhubaneswar. The Treasury Officer, Dist. Treasury, Khurda, Bhubaneswar has forwarded the case of the applicant to SBI Forest Park through Main Branch, Bhubaneswar for necessary payment vide letter dated 2.2.2011 and the same has also been received by the Main Branch of SBI on 2.2.2011. Therefore, it is the pension paying Bank to do the needful.

9. From the above, it is clear that though the applicant is entitled to the benefits as claimed in this OA he has been kept out of the same due to the dispute as to who is competent to calculate and pay the enhanced pension to the Applicant. As stated above, the GA Department of Government of Odisha has filed their counter in which it has been stated that it is the duty of the pension payment authority, i.e. Office of the AG (A&E), Odisha (Respondent No. 4) to calculate the increased pension and issue necessary for payment to the applicant and

[Signature]

Government of India i.e. Ministry of Personnel & Public Grievances and pensioners, Department of Pension and Pensioners Welfare (Respondent No.1) has no role to play. In a situation like the present one, I am of the view that it is the duty of the immediate employer under whom the applicant was working and retired from service i.e. the GA Department of the Government of Odisha to intimate the Respondent No.4 i.e. Principal Accountant General, (A&E), Odisha regarding the admissibility of enhanced pension who in turn shall calculate the quantum of pension and intimate the same to the disbursing authority for necessary payment but this has not been done for which the applicant has been suffering at this age of 91 years without any of his fault. Hence this OA is disposed of with direction to the Respondent No.2 to issue necessary orders for revising the pension as per the OMs referred to above within a period of thirty days from the date of receipt of this order and on receipt of the same Respondent No.4 is directed to re-fix/calculate the pension of the applicant within a period of thirty days from the date of receipt of such communication from Respondent No.2 and forward the same to the concerned authority for disbursement who shall make all endeavour to clear up all the dues of the applicant within a period of thirty days from the date of receipt of communication from Respondent No.4. There shall be no order as to costs.


(A.K. Patnaik)
Member (Judicial)

RK/CM