

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**OA No. 1087 of 2012
Cuttack, this the 29th day of April, 2013**

**CORAM
HON'BLE MR.A.K.PATNAIK, MEMBER(JUDL.)
HON'BLE R.C.MISRA, MEMBER (ADMN.)**

.....
Chanchalesh Bhattacharjee,
Aged about 76 years,
S/o.Late Suresh Chandra Bhattacharjee
Permanent resident of 11/B.E.B Colony,
PO-Agrico,
Jamsedpur,
PS-Sakchi,
Dist. Singhbhum (Jharkhand),
Residing at Staton Road,
Old Town,
Bhubaneswar,
Retd. In the office of the Principal AG (Civil Audit),
Bhubaneswar,
Dist. Khurda.

.....Applicant

(Advocate(s): In person)

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Union of India represented through-

1. A.G.,
A.E,
Odisha,
Bhubaneswar.

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2. Principal AG (Civil (Audit),
Odisha, Bhubaneswar
3. C&AG
And Govt. of India and others,
09 Deen Dayal Upadhyay Marg,
New Delhi-1101
4. Chief Manager,
U.Co.Bank,
Bapuji Nagar,
Bhubaneswar.

.... Respondents

(Advocate(s) – Mr. U.B.Mohapatra)

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(Oral)

A.K.PATNAIK, MEMBER (I):

This Original Application has been filed by the Applicant on the ground l that he retired as an Audit Officer on 01.03.1994 from the Office of the Accountant General (Audit-1) which was subsequently renamed as Principal Accountant General Civil Audit, Odisha, Bhubaneswar. In the 5th CPC his pension was consolidated TO Rs.4458/- on 1.1.1996. 25% cut was ordered by the AG (Audit-1) w.e.f. 17.8.2000 which matter is under subjudice before the Hon'ble High Court of Orissa, Cuttack. The pension of the applicant was refixed on 17.8.2000 at Rs.3343/-. Meanwhile, merger of 50% pension was ordered by the Government of

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India, Ministry of Finance as a result of which 50% of which comes to Rs.1672/- was merged to Rs.3343/- w.e.f. 1.4.2004 and the revised consolidated basic pension was fixed at Rs.5015 on 1.4.2004 as per the letter issued by the U.Co.Bank. The IR sanctioned by the Government of India from time to time was drawn by him on the basic pension of Rs.5015/- since 1.4.2004 i.e. from the date of merger of 50% IR. Accordingly, based on the calculation of basic pension plus IR he has drawn Rs.11,712/- on 23.9.2011. As per the recommendation of the 6th CPC pension^{er} means pensioner^{er} who was drawing/entitled to pension^{er} on 31.12.2005. Accordingly, his basic pension was Rs.5015 as on 31.12.2005. No dearness Pension was paid because it was made effective from 5.4.2006 vide OM No. 42/2/2006-P&PW (G) dated 5.4.2006. His revised pension was fixed by the Bank in consultation with Pay and Accounts Officer at Rs.7557/- as on 1.1.2006 treating Rs.3343/- as his basic pension. It has been stated that the element of merger of Rs.1672/- effective from 1.4.2004 was altogether ignored despite the fact that those who retired before 1.4.2004 such

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deduction is not permissible as per para 12 of the 6th CPC and merged amount of Rs.1672/- along with existing pension of Rs.3343/- comes to Rs.5015 should have been treated as his basic pension and fixation^l should have been made at Rs.11,335/- as per para 3.1 of the report of the 6th CPC. However, it has been stated by the applicant, who is appearing in person that he has tried to remove the injustice caused to him by way of making representation 01.12.2011 but till date as nothing was communicated to him nor the injustice caused in the matter of payment of pension was ^{resolved} meted out by the Respondents he has approached this Tribunal in the instant OA praying for direction to the Respondents for fixation of his pension at Rs.11335/- w.e.f. 1.1.2006 and payment of differential arrears.

2. Mr.U.B.Mohapatra, Learned Senior CGSC for the Union of India who is present in Court has submitted that as copy of the OA has not been served in advance to him he is unable to take any instruction and apprise this Tribunal on the grievance as raised by him in this OA. However, Mr.Bhattacharjee, the Applicant who is pursuing his case

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being present in court today undertakes to serve copy of the OA with all the annexures in course of the day to Mr.Mohapatra.

3. However, we have heard Mr.Bhattacharjee the Applicant, who is appearing in person and Mr.U.B.Mohapatra, Learned Senior CGSC appearing for the Respondents. We find that the applicant is 76 years and the grievance of the applicant is non-payment of his actual pension and therefore, the matter needs urgent consideration. It is the specific case of the Applicant that though he ventilated his grievance before the Respondent No.3 no decision has been communicated thereon to him. Time without number delay in disposal of the representation of an employee has been deprecated by various Courts including this Bench of the Tribunal. Taking into consideration the age of the applicant, certainly it would be difficult on his part to appear in the day to day proceeding of the matter and since the representation of the Applicant is pending we deem it just/proper to dispose of this OA with direction to the Respondent No.3 take a view on the said

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representation dated 1.12.2011 and communicate the result thereof in a well-reasoned order to the Applicant within a period of 60(sixty) days from the date of receipt of copy of this order. If decision on his representation has already been taken meanwhile the same should be communicated to the applicant within a week from the date of receipt of this order.

Ordered accordingly. No costs.

4. Copy of this order along with paper book be transmitted to Respondent No.3 by the Registry by speed post for compliance.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)