

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.M.A. 273/99
M.A. 272/99
(M.A. 166/99)
(O.A. 999/1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. B.P. Singh, Administrative Member

UNION OF INDIA & ORS.

VS.

BRIJ MURARI AGARWAL

For the applicants : Mrs. U. Bhattacharya, counsel
(respondents in O.A.)

For the opposite party : Ms. K. Banerjee, counsel

Heard on : 06.01.2000

Order on : 06.01.2000

O R D E R

Heard both the counsels.

2. These applications bearing No.M.A. 273/99 and M.A. bearing No. 272/99 have been filed by the applicants (respondents in O.A.) for condonation of delay and for extension of time for filing reply to the showcause notice issued by this Tribunal on 9.2.1999. Both the M.As are taken up for hearing.

3. Ld. counsel, Mrs. U. Bhattacharya appearing for the respondents in O.A., submits that the authorities would comply with the order of this Tribunal by 31.01.2000 in view of the letter dated 04.01.2000 issued by the Controller of Administration, Central Glass & Ceramic Research Institute, Calcutta-700 032 in reply to the letter dated 03.01.2000 written by her. She has produced these letters before this Tribunal.

4. ~~Ld. counsel, Ms. K. Banerjee~~ ^{The applicant in person} appearing for the original applicant, has drawn our attention to the Office Memorandum bearing No. GC/LIT/MA/96 wherein it is mentioned that Shri Agarwal is required to bear the pensionary liability and the amount of pensionary liability will be intimated later on. Referring to the said letters, the applicant submits that since

the matter in issue has been decided by the Tribunal by its judgment itself, the question of determining personal liability does not arise.

5. We have considered the submissions made by the petitioner and subsequently made by the ld. counsel for the respondents and have perused the records. We have also perused the letters produced by the ld. counsels for both sides. On a perusal of the order in O.A.No.999/1996 passed by this Tribunal, we observed that the past service of the applicant, Sri Agarwal w.e.f. 18.2.58 to 8.6.61 ought to have been counted for the purpose of pension of retiral benefits. Accordingly, the respondents were directed to count the period from 18.2.58 to 8.6.61 as qualifying service for pension.

6. In view of the aforesaid circumstances, the applicants (respondents in O.A.) are directed to comply with the order in O.A.999/1996 passed by this Tribunal within 45 days from today. If the applicants (respondent No.4 & 5 in O.A.) fail to comply with the same, appropriate contempt proceeding would be drawn up against them and the original applicant shall be entitled to get interest at the rate of Rs.18% p.a. on the amount payable to him, from the due date of payment till the actual payment is made. With these observations, the applications bearing No.M.A. 273/99 and the M.A. bearing No.272/99 are hereby disposed of.

7. No order is passed as to costs.


MEMBER(A)


MEMBER(J)