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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No. 248
F.A.-No.

1998

DATE OF DECISION 11.8.2000.

S.K. Bedi

Petitioner

Mr. S.K. Mali,

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondents

Mr. Vineet Mathur,

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. A.K. Misra, Judicial Member

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?

✓ 2. To be referred to the Reporter or not ? Yes

3. Whether their Lordships wish to see the fair copy of the Judgement ?

4. Whether it needs to be circulated to other Benches of the Tribunal ?

✓
(GOPAL SINGH)
Adm. Member

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on
(A.K. MISRA)
Judl. Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 11.08.2000

O.A. No. 248/98

Shri S.K. Bedi S/O Shri Tara Chand, aged about 71 years
R/O 5, Ralla Ram Building, High Court Road, Jodhpur (Raj).
Retired employee of Central water Commission, New Delhi.

... Applicant

vs

1. Union of India through the Secretary, Ministry of Water Resources, Sharam Shakti Bhawan, New Delhi.
2. Chairman, Central Water Commission (C.W.C.) Seva Bhawan, RK Puram, New Delhi.
3. Director, Department of Pension and Pensioners Welfare, Ministry of Personnel and Public Grievances & Pension, 3rd Floor Lok Nayak Bhawan, Khan Market, New Delhi.

... Respondents

Mr. S.K. Malik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R.

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant S.K. Bedi has prayed for setting aside the impugned order dated 24.8.1998 (Annexure A/1) and for a direction to the respondents to count the entire period of service from 19.1.1961 to 31.8.1984 and further adding five years as qualifying service in terms of Rule 30 (1) A & B of CCS Pension Rules, for the purpose of calculating pensionary benefits.

Gopal Singh

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2. Applicant's case is that the applicant was initially appointed on the post of Mechanical Instructor in the Technical Training Centre, Kota with effect from 19.1.1961 under Central Water & Power Commission and he was further promoted as Foreman w.e.f. 20.4.1966. Thereafter, the applicant was sent on deputation to Bairwa Sial Hydro-electric project and posted at Technical Training Centre, Nangal w.e.f. 25.11.1972. The Technical Training Centre at Nangal was being closed w.e.f. 31.3.1974 and, therefore, Bairwa Sial project authorities were requested to absorb the applicant w.e.f. 01.4.74. The Bairwa project authorities instead of absorbing the applicant provided him ad hoc post extendable from time to time. Finally, Bairwa Sial Project was handed over ^{to} the National Hydro-Electric Power Corporation (NHPC) on agency basis w.e.f. 20.1.78. Till then, the applicant continued to hold ad hoc post. NHPC provided a fresh appointment to the applicant in August, 1979. Thereafter, the applicant was promoted as Foreman Grade I vide order dated 01.1.1980. Then the applicant was declared surplus and he was retrenched from service with effect from 31.8.84 and the applicant was paid retrenchment compensation for his service from 1.4.74 to 31.8.84. Applicant's request for counting his past service rendered to the Central Government was never acceded to and his case was finally rejected vide order dated 24.8.98 (Annexure A/1) Hence, this application

3. In the counter, it has been stated by the respondents that :

"as the applicant had joined in the Bairwa Sial Hydro Electric Project w.e.f. 1.4.1974 and the Technical Training Centre, Nangal was closed, therefore, the lien on the post held by the applicant in the Central Water and Power Commission ceased w.e.f. 1.4.1974. The applicant continued to work in the Bairwa

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Siul Hydro Electric Project/NHPC w.e.f. 1.4.1974 and sought discharge from the project under the voluntary retirement scheme w.e.f. 31.8.1984.

4. That it would be seen from the above that the applicant had been working in the Centre Water & Power Commission w.e.f. 19.1.1961 to 31.3.1974 and in the Bairwa Siul Hydel Electric Project w.e.f. 1.4.1974 to 31.8.1984.

5. That as the applicant had been holding the post in the Central Water and Power Commission in a quasi-permanent capacity w.e.f. 19.1.1961 to 31.3.1974 and was not made permanent, he was paid terminal benefits of Rs.10,562.50 in respect of above period of service rendered in the Central Water and Power Commission.

6. Pension payment order in favour of the applicant was issued by the Pay & Accounts Officer, New Delhi vide letter dated 12.3.96, fixing the pension of the applicant at Rs.109/- per month w.e.f. 1.4.74. In addition to the above pension an amount of Rs.57,076/- towards pension and DCRG was also paid to the applicant. Further, vide letter dated 12.3.96, the previous pension payment order has also been modified by revising his pension at Rs.375/- p.m. w.e.f. 1.1.86. Thus, all the pro-rata retirement benefits have been paid to the applicant and nothing more is required to be paid to him.

7. That the NHPC vide their letter dated 27.3.86 had also intimated that all the service benefits for the period of service rendered by the applicant from 1.4.74 to 31.8.84 in the Bairwa Siul Project /NHPC have been paid by them.

8. That thus, the applicant has received all the pro-rata pensionary benefits from the Central Water and Power Commission in respect of service rendered from 19.1.1961 to 31.3.1974. Further, he has also got all the service benefits from the NHPC in respect of service rendered from 1.4.1974 to 31.8.1984 in the Bairwa Siul Project /NHPC."

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. The applicant had earlier filed an T.A. No.25/88 with Jaipur Bench of the Central Administrative Tribunal seeking a direction to UOI, the Chairman Central Water Commission and the chief Engineer Bairwa Siul Hydel Project

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to release the pension, gratuity and other terminal benefits. The above mentioned O.A. was decided on 17.10.1974 with the following observations :

"In these circumstances, we hold that the applicant was working in a substantive capacity under the Central Govt./CWPA prior to his absorption in the Project/NHPC w.e.f. 1.4.1974. It is undisputed that he had served under the Central Govt./CWPC from 1961 to 31.3.1974, prior to his absorption as mentioned above. Thus, he had completed more than 10 years of service under the Central Govt./CWPC and as held by us above, he could be considered to be functioning in a substantive capacity at the time of his absorption in the Project/NHPC. Therefore, he would be eligible for proportionate pension according to the length of his service under the Central Govt./CWPC.

10. We, therefore, direct the respondents No.1 & 2 to grant pension and other pensionary benefits as may be due to the applicant, to the extent not already paid to him, within a period of 4 months from the date of the receipt of a copy of this order. The application is allowed accordingly with no order as to costs."

In R.P. 90/94 in TA No.25/88, the applicant prayed that he should have been declared as in Central Government Service till 10.1.78 instead of till 1.4.1974. This Review Petition was dismissed on 15.9.95 on the ground that the petitioner had already received all benefits of service with NHPC w.e.f. 1.4.1974 to 31.8.1984 vide letter dated 27.3.86 without raising any protest. The applicant now cannot be permitted to re-agitate the matter of counting him entire service period for the purpose of calculation of pensionary benefits.

6. Further, it is seen from the records that the applicant has already received the pensionary benefits from the Government of India for the services rendered from 19.1.61 to 31.3.1974 and from NHPC for service rendered with Bairwa Siul Project/NHPC for the period from 01.4.74 to 31.8.84. The applicant contends that he has not been paid service benefit under the Liberalized Voluntary Retrenchment Scheme dated 28.6.1984 (Annexure A/14). It is seen from Annexure R/3

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Dated 27.3.1986 that all the benefits under the above mentioned scheme had already been paid to the applicant.

7. In the light of above discussion, we find that the application is devoid of any merit and deserves to be dismissed.

8. The Original Application is accordingly dismissed with no order as to costs.

(Gopal Singh)

(GOPAL S. INGH)

Adm. Member

31/3/1986

(A.K. MISRA)

Judg. Member

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