

I/8

1

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.78/2004
Date of Decision : this the 21st day of September, 2004.

Hon'ble Mr. G.R. Patwardhan, Administrative Member

Smt. Sugni W/o Late Sh. Ram Lal
Aged about 71 years, Resident of Plot No.4
Gelhot Bhawan, Naharsingh Ka Hatha,
Central School Road, Airforce Area, Jodhpur.

.....Applicant.

[None for applicant]

Versus

1. The Union of India through the Secretary
Ministry of Human Resource Development
Government Of India, New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office 2 - 2 - A,
Jhalana Dungri (First Floor),
Jaipur - 04.
3. Senior Accounts Officer,
Kendriya Vidyalaya Sangathan,
Head Quarters, New Delhi - 16.
4. The Principal,
Kendriya Vidyalaya No.1,
Air Force, Jodhpur.

.....Respondents.

[None for respondents]

...
**ORDER
[BY THE COURT]**

Smt. Sugni aged about 71 years has preferred this application against the respondents who are Officers of the Kendriya Vidyalaya Sangathan (KVS), New Delhi, led by the Secretary, Ministry of Human Resource Development, representing the Union of India alleging that no order has been passed by them and no action taken regarding releasing the retiral benefits including pension of the applicant even after passage of a long time.



— 98 —

2. Briefly stated, the applicant gave her services as a Group 'D' employee from 1st May, 1964 and retired on 31st January, 1993 – nearly ten years earlier before filing this application. It is her case that she received Provident Fund amount of Rs. 58,668/- but, other retiral benefits have not been released and the representation made by her on 2nd January, 19th July, 3rd August 1994 and on 17th July 1995 at Annexs. A/2, A/3, A/4 and A/5 did not result in granting her pensionary benefits. It is therefore her case that pension is property of the applicant and action of the respondents in sitting over the matter, calls for intervention from this Tribunal and accordingly an order or direction should be issued to the respondents to release the pension and all other retiral benefits.

3. Reply has been filed which is on record. It discloses the following :-



(a) Annex. A/8, enclosed by the applicant, carrying the date of 13th December 2002, is a case of interpolation. This letter to the Assistant Commissioner, KVS, Jaipur (Respondent No. 2) is actually of 13th July, 1997 and the over-writing is clearly legible. It is prayed that the Tribunal should draw an adverse inference against the applicant.

(b) The applicant has not approached the Tribunal with clean hands as nowhere in the application, she has stated that she was an employee under CPF Scheme. It is maintained that she never opted for pension scheme of KVS.

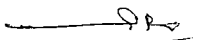
I/8
2/10

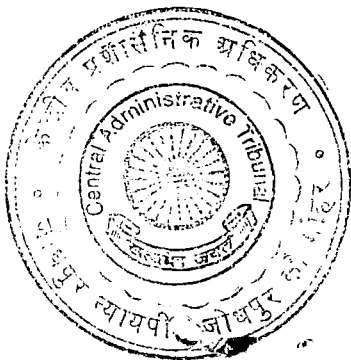
- (c) It is an admitted position that the applicant has been paid the entire amount of PF which is contrary to the averment made in para 4.5 as Annex.A/1 is with regard to payment of entire amount of CPF.
- (d) All the dues like, Gratuity, CPF etc. which were admissible have been paid in due time but, the applicant has with-held the information that she has been paid gratuity.
- (e) The Annexures enclosed by the applicant clearly show that at no point of time, did she ever send any application for pension and this is because she was not governed by the pension scheme.

The pleadings lead to two inescapable conclusions :-

- (i) The applicant has not been forthright in stating what exactly are the pending dues with the respondents.
- (ii) It is not established that the applicant was governed by the scheme relating to pension.
- (iii) Annex. A/3 is a clear case of over-writing and to that extent the conduct of the applicant is blame worthy.

4. The Application has no merit and is, therefore, dismissed with no order as to costs.


[G.R. Patwardhan]
Administrative Member



Received by
Ry. Kant
R. S. K. K. S. K.
Autu

27/9/04

Received Copy of
Order by
Autu

28/9/04

Part II and III destroyed
in my presence on 30/10/13
under the supervision of
section officer (J) as per
order dated 18/10/13

S. R. S. K.
Section officer (Record) 30.10.2013