

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.1237 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

Jadu Gopal Das, s/o  
Late Jamini KUMar Das  
Residing at Village & P.O. Gopinagar  
Ranaghat, Dist. Nadia

... Applicant

VS

1. Union of India,  
through the Secretary,  
Chief Passport Officer,  
Ministry of External Affairs,  
New Delhi,

2. Regional Passport Officer  
(Passport Office),  
4, Brabourne Road,  
Calcutta-700 001

... Respondents

For the Applicant : Mr. R.K. Chandra, counsel

For the REspondents : Mrs. Uma Sanyal, counsel

heard on 25.2.1998

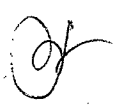
Date of order: 25.2.1998

O R D E R

B.C. Sarma, AM

The dispute raised in this petition is about the non-receipt of the retirement benefits. The applicant had retired from service in 1995 as a Superintendent in the Regional Passport Office, Calcutta under the respondents. He was duly appointed as a Clerk by the Assistant High Commissioner for India under the respondents by a letter dated 15.7.1958 in Bangladesh and accordingly, he had rendered service. But even though he had retired in May, 1995 not even the G.P.F. amount has been given to him and, hence, this petition.

2. When the admission hearing of the matter was taken up today Mrs. Sanyal, learned counsel for the respondents submits that there are some problems regarding regularisation of service of the applicant while he was working in Dacca Office of the Indian High Commission in Bangladesh and, that is why, there has been delay in the matter of disbursement of the retirement benefits.



Contd...2/-

3. We have heard the submissions of the learned counsel of both the parties and perused the records. It is most unfortunate and surprising to the applicant, who had retired as Superintendent of Office under the Regional Passport Officer, Calcutta has not yet got his retirement benefits, although he retired about three years ago. Even if there was some problem regarding regularisation of his service while he was in service in Dacca, that should not have stood in the way of his getting the amount accumulated in his provident fund account. We find that there was a communication dated 23.10.96, as set out in annexure/E to the application, which states that competent authority had approved grant of provisional pension to the applicant till the finalisation of the service records. But till that date it has not been released. While Mrs. Sanyal submits that the applicant has refused to accept the provisional pension, the learned counsel for the applicant submits that his client is ready to receive the provisional pension. The picture that emerges from the above fact is that there has been total callousness on the part of the respondents in this matter. The application is, therefore, disposed of at the stage of admission itself with the following orders:

3. i) Within a period of two months from the date of communication of this order the respondents shall release the entire amount of G.P.F. which has accumulated in the account of the applicant. They shall also pay interest at the rate of 10 per cent per annum from the date immediately following the expiry of the three months from the date of his retirement till the date of actual payment.

ii) Within a period of two months from the date of communication of this order the respondents shall pay provisional pension as per rules to the applicant which shall be accepted by the applicant without any prejudice to the rights and contention in this case.

iii) The respondents are further directed to settle the service record of the applicant within a period of four months from the date of communication of this order and thereafter within a period of two months they shall pay all the retirement benefits, *as per rules*. No order is passed as regards costs.

  
MEMBER (J)

  
MEMBER (A)