

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.459/07

Thursday this the 29th day of November 2007

C O R A M :

HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

Sri.Chandran.V.Menon,
"Nandanam", Kolazhy, Thrissur – 680 010.Applicant

(By Advocate Mr.Thomas Abraham)

Versus

1. The Comptroller and Auditor General of India,
Commercial Audit Wing, Indraprastha Bhavan 10,
Bhahedurshah Zaffar Marg, New Delhi.
2. The Principal Director of Commercial Audit
& Ex-officio Member Audit Board – II,
Internal Audit and Accounts Department,
Kolkatta.
3. Union of India represented by its Secretary,
Ministry of Finance, Government of India,
New Delhi.Respondents

(By Advocate Mr.George Joseph,ACGSC)

This application having been heard on 29th November 2007 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

The applicant joined the 3rd respondent's service in 1968. While so
in 1978 he was granted a deputation to the Kerala Tourism Development
Corporation, Trivandrum, Kerala. His resignation from the earlier service
was accepted to enable him to get permanently absorbed in the
Corporation. By that time the applicant had completed 14 years of service
with the Central Government. The Government of India have issued orders
deciding to pay the past service benefits to the Central Government

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Employees if they get absorbed in the State Government/Public Sector Undertakings. But these benefits were denied to the applicant and highlighting all these facts the applicant has submitted various representations on which Annexure A-6 and Annexure A-9 impugned orders are issued rejecting the claims of the applicant. Hence the applicant has filed this O.A seeking the following reliefs :-

1. Quash Annexure A-6 and Annexure A-9 orders passed by the respondents 1 and 2.
2. Direct the 1st respondent to disburse pro rata pensionary benefits to the applicant including the surrender value of Earned Leave and Half Pay Leave standing in the credit of the applicant as on 26.7.1982.
2. The O.A has been filed with a M.A under Rule 8(4) of the Central Administrative Tribunal (Procedure) Rules 1987 for condonation of delay. The delay is for 904 days in filing the O.A. The O.A was admitted keeping the question of limitation open to contest.
3. Respondents have filed a reply statement wherein it has been submitted that the Comptroller & Auditor General of India, New Delhi have now taken a decision to pay Pro rata pensionary benefits to the applicant. Since the case is considerably old, they have to collect the details of his pay particulars and service details from Kerala Tourism Development Corporation, where he later got absorbed. It is submitted that since these details were not available it was not possible for the office to calculate the pensionary benefits. Annexure R-1 letter dated 24th October 2007 has been addressed to the Kerala Tourism Development Corporation seeking the information required for calculation of pro rata pension, which reads as follows :-

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Sub : O.A No.459/07 and M.A No.605/07 filed by
Chandran V Menon in the C.A.T Ernakulam Bench.

Sir,

In inviting a reference to the C&AG's letter No.805/CA-1/102-2007 dated 20.09.2007 on the subject cited above, I am to request you to furnish the following information for the calculation of Pro rata pension in respect of C.V.Menon, Ex A.O. (c) :-

1. Whether Sri.Menon, Ex A.O.(c) was granted any benefit during his resignation from the Central Government Service (w.e.f. 26.07.1982). If so, please furnish the details with PPO No. etc.
2. Release order issued by O/o the MAB & Ex-officio Director of Commercial Audit (Coal), Calcutta, as the same is not readily available in this office.
3. Copy of Appointment letter in K.T.D.C after resignation from the Central Government Service.
4. Last pay certificate in detail of Sri.Menon, Ex AO (c) in K.T.D.C in the month of July, 1982 and pay drawn by him for the last 10 months prior to July, 1982 and Last Date of Increment.
5. Whether he was granted any family pension or Amount equivalent to family pension.
6. Whether he was granted any dearness relief or fixed medical allowance while pension received from K.T.D.C.
7. E.L & H.P.L at credit on 26.07.1982.
8. Date of superannuation from K.T.D.C if he retired along with his date of birth as recorded in the Service Book.
9. Any other information/document related to his service in Central Government/K.T.D.C to facilitate the calculation of pro-rata pensionary benefit from Central Government.

4. When the matter came up today, counsel for the respondents submitted that since the decision has now been taken to pay the pro-rata pension and other dues to the applicant, the delay can be condoned. Accordingly, the delay is condoned. Counsel for the applicant submitted that in the light of this Annexure R-1 letter conveying the decision to pay

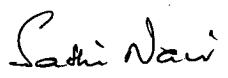
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the pro-rata pensionary benefits and other dues, the case can be closed with liberty being given to the applicant to approach this Court in case the outstanding dues are not paid.

5. Accordingly, by consent of both the parties, the O.A is disposed of directing the respondents to comply with the payment of Pro rata pension and other dues after collection of details from the K.T.D.C within a shortest possible time as the matter is already been badly delayed. In case the payment is not made to the applicant regarding surrender leave and other dues, the applicant is at liberty to approach this Court at the appropriate time. No order as to costs.

(Dated the 29th day of November 2007)


Sathi Nair
SATHI NAIR
VICE CHAIRMAN

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