

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 236 OF 2012

Wednesday, this the 19th day of February, 2014

CORAM:

HON'BLE MR.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

K.Prasad
Vallattoorthekkethil House
Paranthal (PO), Pandalam
Pathanamthitta – 689 518
(Ex.Deputy Project Manager (C) Emp.Code 2287
National Buildings Construction Corporation Limited
Agartala) ... **Applicant**

(By Advocate Mr.K.Sasikumar)

versus

1. National Buildings Construction Corporation Limited
Represented by its Chairman cum Managing Director
Lodhi Road, New Delhi – 110 003
2. General Manager (Pers & IR)
National Buildings Construction Corporation Limited
Lodhi Road, New Delhi – 110 003
3. The Manager (F) Salary
National Buildings Construction Corporation Limited
Lodhi Road, New Delhi – 110 003
4. Union of India represented by the Secretary
to the Labour Department
Government of India
New Delhi – 110 001
5. Secretary to Government
Ministry of Urban Development
Government of India
New Delhi – 110 01 ... **Respondents**

(By Advocate Mr.Aneesh James (R1-3)
Advocate Mr.Sunil Jacob Jose, SCGSC (R4&5)

The application having been heard on 19.02.2014, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE MR.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

Applicant retired from the service of National Buildings Construction Corporation Limited, New Delhi voluntarily on December 30, 2006 while he was working as Deputy Project Manager. It was seen admitted by the applicant that he was granted "enhanced compensation" as provided under Annexure R-1 (b) circular issued in terms of Annexure R-1 (a) Scheme dated May 05, 2000. But, according to the applicant, there were apparent error in the computation of certain benefits payable towards earned leave, medical leave etc. But the major grievance of the applicant is that he was not granted the benefit of pay revision which came into force with effect from January 01, 2006. The case of the applicant is that the enhanced compensation disbursed to him ought to have been fixed on the basis of the Pay revision. He further claims that arrears of pay on the basis of Pay revision also ought to have been disbursed to him. It is, in the above circumstances, the applicant has filed this Original Application primarily seeking the following reliefs:

(i) *To direct respondent steps take effective and expeditious steps to disburse the voluntary retirement benefits due to the applicant on proper computation and also based on Annexure A-5 circular directing revision of pay scales at the earliest, within a time frame fixed by this Hon'ble Tribunal.*

(ii) *To direct respondents to pay penal interest on the amounts due to the applicant for the delay being caused in effecting the payment."*

2. Respondent No.1, the Corporation has conceded that the applicant was allowed to retire voluntarily on the basis of the option made by him. It is also admitted by the Corporation that the retiral benefits were granted to the applicant on the basis of Annexure R-1 (b) Circular which



was issued in terms of Annexure R-1 (a) Scheme. But it appears that before releasing the above benefits to the applicant, the Corporation had failed to obtain the approval of the Ministry concerned, Viz., Ministry of Urban Development, Government of India, additional Respondent No.5 herein. However, the Corporation had realized the above lapse or mistake when the applicant had made the present claim. Immediately on receipt of the representation made by the applicant the Corporation had approached the Government seeking ex-post-facto approval by way of Annexure R-1 (d) proposal dated December 14, 2011.

3. Mr.Aneesh James who appears for Respondent Nos. 1 to 3 submits that the present predicament of the Corporation is that the Ministry has not taken a decision of Annexure R-1 (d) proposal so far and therefore the Corporation is not in a position to satisfy the claim of the applicant. Shri Sunil Jacob Jose, SCGSC who appears for Respondent Nos. 4 & 5 submits that the Ministry is likely to take a decision in the matter at the earliest.

4. Keeping in view the entire facts and circumstances of the case, I do not deem it necessary to consider the merit or demerit of any of the contentions raised by the applicant especially in view of the admitted position that the applicant was entitled to seek voluntary retirement under the then prevailing Scheme. He was in fact granted the benefits as provided under Annexure R-1(b) circular though he has certain reservations with regard to some payments made. Be that as it may, the main issue relates to "the post pay revision benefits". Enhanced compensation envisaged under the scheme has been withheld from the applicant by the Corporation for the technical reason that it had not obtained the approval

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from the Ministry concerned before issuing Annexure R-1 (b) Circular under which the applicant was granted the retiral benefits.

5. In the above facts and circumstances, I am satisfied that the present imbroglio can be resolved if the Ministry is directed to take a decision on Annexure R-1 (d) proposal submitted by the Corporation seeking ex-post facto approval for Annexure R-1(b) Circular.

6. Therefore this Original application is disposed of with a direction to additional Respondent No.5 to take a decision on Annexure R-1 (d) proposal submitted by the Corporation as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this order. Corporation shall ensure that the claim made by the applicant is considered and appropriate orders are issued on the said claim as soon as Respondent No.5 takes a decision on Annexure R-1(d) proposal. This shall be done by the Corporation within an outer limit of two months from the date of communication of the decision taken by the Ministry concerned on Annexure R-1(d).

7. Original Application is **disposed** of in the above terms. No costs.

Dated, the 19th February, 2014


JUSTICE A.K.BASHEER
JUDICIAL MEMBER

vs