

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

ORIGINAL APPLICATION NO: 89/2007

This, the 3rd day of August, 2011

**HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)
HON'BLE SHRI S. P. SINGH, MEMBER (A)**

M. K Srivastava,
aged about 60 years,
son of Late S. P. Srivastava,
resident of 110, Kalyan Apartment,
Sector-24, Indira Nagar,
Lucknow.

Applicant

By Advocate Shri Narendra Nath.

Versus

1. Union of India through the Secretary,
Ministry of Mines (Department of Mines),
Shastri Bhawan,
New Delhi.
2. Director General,
Geological Survey of India,
27-J.L. Nehru Road,
Kolkata.
3. Deputy Director Genera (Coal),
Geological Survey of India,
D.K. -6 Sector-II, Salt Lake City,
Kolkata.
4. Deputy Director General (Personnel),
Geological Survey of India,
27, J. L. Nehru Road,
Kolkata.
5. Chairman-cum-Managing Director,
Mineral Exploration Corporation Ltd.,
(A Government of India Enterprise),
Baba Saheb Ambedkar Bhawan,
Seminary Hills,
Nagpur.

Respondents.

By Advocate Shri Vishal Chaudhary.

Order (Dictated in Open Court)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

M. P. No. 1460/2011: This is an application for taking
some documents on record which are said to be relevant for

ASL

the purpose of adjudication of this O.A. There is no objection from the other side. Allowed. The documents are taken on record.

2. Heard the learned counsel for the parties and perused the material on record.

3. This O.A. has been filed for the following relief(s):

- "(i) To issue direction or order to the respondent No. 1 to provide/ issue the Ministry's letter of permanent absorption of the applicant in M.E.C. Ltd., with effect from 12.7.1977.**
- (ii) To issue direction or order to the opposite party No. 3 for granting pro-rata pension and other terminal benefits in favour of the applicant for the period of his service in G.S.I. prior to date of his absorption in M.E.C.Ltd., Nagpur.**
- (iii) To issue direction or order to the opposite party No. 3 to provide for payment of interest @ 18% per annum on delayed payment of gratuity.**
- (iv) Any other relief deemed just and proper in the circumstances of the case in favour of the applicant.**
- (v) Allow the O.A. with costs."**

4. It is needless to go into the factual matrix of the case because concededly, out of the 5 reliefs which had been sought in this O.A., the first two reliefs have already been considered. The first relief is in respect of issuance of direction to respondent No. 1 to provide /issue the Ministry's letter of permanent absorption of the applicant in M.E.C. Ltd., w.e.f. 12.7.1977. From perusal of (Annexure-3) which has been taken on record today itself, it transpires that the applicant has been permanently absorbed in M.E.C.Ltd w.e.f. 12.7.1977 as mentioned in the opening paragraph. Therefore, in respect of this relief, no further order is required to be passed as also conceded by the learned counsel for the applicant himself.

Al

5. The second relief is in respect of issuance of direction to O.P. No. 3 for granting pro-rata pension and other terminal benefits in favour of the applicant for the period of his service in G.S.I. prior to the date of his absorption in M.E.C. Ltd., Nagpur. Concededly, in this regard also the necessary action has already been taken by respondent No. 3 by forwarding the case of the applicant to the Controller of Accounts, Central Accounts Office, (Dept. Of Mines) Geological Survey of India, Kolkata vide letter dated 7.3.2011 (Annexure No. 3) as mentioned in the caption of this letter itself. This relief was only for issuance of direction to the O.P. No. 3 and as said above even without issuances of direction, the OP No. 3 has done the needful and therefore no further direction is required in the matter from this end.

6. The third relief pertains to payment of interest @ 18% per annum on delayed payment of gratuity. In this regard, it is worth while to mention that unless the relevant record showing the permanent absorption and also terms and condition of deputation are brought before this Tribunal as to who was responsible for payment of leave salary contribution and pension contribution, we cannot reach to any conclusion as to whether there was any delay on the part of any person. Unless that question is answered, the question of payment of interest cannot be decided. For this purpose, two opportunities were given for bringing the relevant papers on record before us as mentioned in the order sheet dated 8.3.2011 and 9.5.2011. But nothing has come forward from either of the sides. The applicant is the person who is seeking this relief/claim. Therefore, unless he is able to make out a case in his favour this relief cannot be granted. Therefore, this Tribunal feels handicapped in granting this relief in favour of

AK

applicant in respect of interest for alleged delayed payment.

Therefore, this relief is declined.

7. The O.A. is disposed of accordingly. No order as to costs.

spsm
(S. P. Singh)
Member (A)

Alok Kumar Singh
(Justice Alok Kumar Singh) 38/11
Member (J)

Vidya