

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 110/2009

Reserved on 14.3.2014

Pronounced on 28th March, 2014

Hon'ble Sri Navneet Kumar , Member (J)

S.R. Tamta aged about 61 years son of late Sri R.R. Tamta, resident of House No. 11/356, Vikas Nagar, Lucknow (lastly posted as Regional Director, Central Ground Water Board, Lucknow Region , Bhujal Bhawan, Sector B, Sitapur Road Yojana, Lucknow.

By Advocate: Sri Prashant Kumar Singh

Applicant

Versus

1. Union of India through the Secretary, Ministry of Water Resources, New Delhi-110001.
2. Central Ground Water Board, Govt. of India, Ministry of Water Resources, Bhujal Bhawan, NH-IV, Faridabad (Haryana) through its Chairman.
3. Pay and Accounts Officer, Central Ground Water Board, Govt. of India, Ministry of Water Resources, Bhujal Bhawan, NH-IV, Faridabad (Haryana).
4. Sri S.>C. Dhiman, Member, Central Ground Water Board, Govt. of India, Ministry of Water Resources, Bhujal Bhawan, NH-IV, Faridabad (Haryana).
5. Regional Director , Central Ground Water Board, Lucknow Region, Bhujal Bhawan, Sector B, Sitapur Road Yojana, Lucknow.
6. Sri Harbhajan Singh Regional Director, Central Ground Water Board, Lucknow Region, Bhujal Bhawan, Sector B, Sitapur Road Yojana, Lucknow.

By Advocate: Sri Vishal Chowdhary

Respondents

ORDER

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Original Applicant is filed under Section 19 of the AT Act with the following reliefs:-

- (a) issuing/passing of an order or direction to the respondents to make payment of his retiral and other dues, viz encashment of 300 days earned leave , CGEGIS payment , adjustment of TA bill for the period from 23.1.2008 to 31.1.2008 against the balance of advance TA bill on retirement from Lucknow to home town and arrears of revised pension and retirement gratuity consequent upon implementation of 6th Central pay Commission from 1.2.2008

onwards within a specified period of two months together with interest at the current market rate.

b) issuing/ passing of any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

c) allowing this original application with cost.

2. The applicant was initially appointed as Chemist (Group'A") in the Central Ground Water Board, and subsequently promoted as Scientist 'C' in the year 1986 and Scientist 'D' in the year 1992. It is also indicated by the Learned counsel for applicant that applicant was further promoted as Regional Director and posted to Dehradun Region and joined their in January, 2003. Thereafter, he was transferred from Dehradun Region to Kerala Region Trivendrum on 21.8.2003. Subsequently, the applicant retired from service w.e.f. 31.1.2008 after attaining the age of superannuation. The applicant, through the present O.A. prayed for making payment of certain retiral dues. During the course of arguments, the learned counsel for applicant has taken the bench to the Supple. Rejoinder Reply filed by the applicant in which it is categorically pointed out by the applicant that the following pensionary benefits are paid to the applicant on the date specified against each:-

(i) CGEGIS paid by cheque on 18.9.2010.

(ii) 40% arrears of revised salary minus arbitrary deduction of 30% income tax Rs. 41,075.00 minus arbitrary deduction of Rs. 57,563.00 paid by cheque in July 2009.

iii. Rs. 57,563.00 arbitrarily deducted from 40% arrears of revised salary (ii) above, was paid back on 8.7.2010.

iv. 60% arrears of revised salary (minus arbitrary deduction of 10% income tax Rs. 19,310.00) was paid by cheque on 8.7.2010.

v. The applicant submitted T. A. bill on retirement from Lucknow to hometown immediately after retirement on 31.1.2008 and it was not passed during Financial Year 2008-09. The bill was passed during next Financial Year 2009-10 for Rs. 31,326.00 and the amount in cash was drawn in March 2009, kept in chest against the standing audit para till it was paid to the applicant on 9.7.2009.

vi Leave encashment Rs. 1,78,668.00 out of sanctioned amount of Rs. 6,03,900.00, is paid to the applicant on 18.9.2010 and an amount of Rs. 4,25,232.00 is still held up

3. Learned counsel appearing on behalf of the respondents filed their reply and through reply, it is indicated by the respondents that all pensionary benefits due to the applicant has already been paid to the applicant except the payment of leave encashment and CGEGIS and the said amount has not been paid due to dues which are still pending against the applicant. The learned counsel for the respondents has indicated certain dues at page 2 of his C.A. which is reproduced below:-

S.L. No.	Particulars of Amount outstanding	
i.	TA Advance of Rs. 1,45,000/- was granted vide this office letter No. 1-62/SRT/CGWB/NR/Estt./06 dated 11.1.2008 for follow p medical check up from Lucknow to Trivendrum and back	Rs. 1,45,000/-
ii.	Recovery of excess telephone calls (As per letter No. 4 (2) ACCH/IA/03.06/KR-120 dated 29.1.2008 and subsequent reminder dated 27.05.2008 issued by the RD, CGWB, KR Trivandrum Sh. S. R. Tamta has made exerts telephone calls from his official residential phone. This objection was raised by the internal Audit paras)	Rs. 3040/-
iii	Cost of outstanding store material (Water Filter=840/- Brief Case=2727/-	Rs. 3567/-
iv.	TTA Advance claim on transfer from Give specific detail of transfer TA)	RS. 2, 73,625/-
v.	Shri Tamta has also not returned the long book of Govt. vehicle No. UP 32 AA9640(Ambassador Car) despite repeated request made by the office.	
vi.	Apart from above, the applicant of this O.A. has also not submitted the ACR of officers/officials who have worked under him during the year 2007-08 (up to January 2008) and ACR of Scientific Officers during the year 206-07 to convey adverse entries.	


4. Learned counsel for respondents has also filed an affidavit in pursuance of an order dated 15.7.2010 and in the said compliance report, it is indicated by the respondents that the applicant has been paid the amount of leave encashment and payment of CGEGIS amounting to Rs. 2,88,636/- through Demand Draft dated

13.9.2010 after withholding the disputed amount which shall be decided as per direction of the Tribunal. Not only this, it is also indicated by the respondents that the provisional pension is already paid to the applicant and the matter of revised pension and gratuity has been forwarded to the Pay and Account Officer, Central Ground Water Board along with service book and the same is required to be decided by Central Pension Accounting Officer.

5. Learned counsel for the applicant has filed their Rejoinder Reply and through Rejoinder reply, mostly the averments made in the O.A. are reiterated.

6. Heard the learned counsel for parties and perused the record.

7. The applicant after serving for a long period, superannuated from the respondents organization on 31.1.2008 after attaining the age of superannuation. The present O.A. is preferred by the applicant for payment of certain retiral dues. The bare perusal of the Counter Reply as well as Supplementary Rejoinder reply filed by the learned counsel for respondents as well as by the learned counsel for applicant shows that the certain amount is paid to the applicant whereas certain amount of retiral dues were left unpaid due to the reason of some dispute between the department and the applicant. The records of all the paid amount and due amount are with the respondents. The learned counsel appearing on behalf of the respondents has categorically pointed out in his affidavit that the applicant has already been paid leave encashment and CGEGIS after withholding the disputed amount, whereas the learned counsel appearing on behalf of the applicant has also accepted this fact and has also categorically pointed out that the respondents have purposely with malafide misinterpreted the provisions of certain rules and instead of sanctioning the revised pension, revised gratuity and revised commuted value of pension, the attempt was made to shift the responsibility upon the Pay and Accounts Officer



who is respondent No. 5 in the O.A. But the bare perusal of the C.A. shows that due to internal audit during its inspection at NR, Lucknow, certain objections are raised on applicant's TA/TTA bills. Accordingly the applicant was requested vide letter dated 17.10.2008 to cooperate with the Regional Director to settle the outstanding recoveries against his name so as to enable the office to consider this case for sanction of leave encashment and CGEGIS payments but instead of extending cooperation, the applicant filed the present O.A. before this Tribunal for releasing his pending pensionary dues as regard to his TA/TTA amount.

8. The respondents through reply has also pointed out that the case of the applicant for promotion to the post of Member in Central Ground Water Board is concerned, his name was considered along with others against the vacancy year 2006-07 but he was not found fit and his name was not recommended by the DPC for promotion to the post of Member. However, there is no such prayer in the O.A. in regard to promotion of the applicant, as such there is no requirement to go into this aspect.

9. Bare perusal of entire proceedings is clear to the extent that the applicant has been paid certain amount towards his retiral dues and some amount is left unpaid to the applicant which is claimed by the parties as disputed amount, as such I deem it appropriate to remand back the matter to the authorities to give a personal hearing to the applicant and settle the claim of the applicant within a period of three months from the date of certified copy of order is produced and in case any amount is due to the applicant, the same shall be paid within further period of two months.

10. With the above observations, O.A. is disposed of. No order as to costs.

N. K. Agarwal
(Navneet Kumar)

Member (J)

HLS/-