

Central Administrative Tribunal Lucknow Bench Lucknow

C.C.P. 47 of 2010

In

Original Application No.329/2006

Lucknow, this the 19th day of January, 2012

Hon'ble Justice Sri Alok Kumar Singh, Member (J)
Hon'ble Sri S. P. Singh, Member (A)

M. N. Ansari aged about 69 years son of Late Mohd. Ibrahim, Secretary, UP State social Welfare Advisory Board, Lucknow, resident of House No. 308/24, Johri Mohalla, Chowk, Lucknow.

Applicant

By Advocate: Sri Srikant.

Versus

1. Sri K. J. Kakanwar, Joint Director (F.O.Estt.) Central Social Welfare Board, New Delhi.
2. Sri A. K. Jain, Account Officer, Central Social Welfare Board (I.C.U. Division), New Delhi.

Respondents

By Advocate Sri S.P. Singh.

Order (Dictated in Open Court)

By Hon'ble Justice Sri Alok Kumar Singh, M(J)

Heard. This contempt petition has been filed in respect of compliance of following directions accorded by this Tribunal in O.A. 329/2006 vide order dated 4.5.2007:-

"In view of the above circumstances, the application is allowed in respect of relief's No. 1, 2 and 3 giving direction to the respondents:-

- (i) To count and consider the length of service rendered by the applicant with the U.P. State Social Welfare Advisory Board, Lucknow (CSWB, New Delhi) from 26.7.1965 to 7.2.1981.
- (ii) Issue revised pensionary benefits of the applicant by taking into account the total length of his continuous service w.e.f. 26.7.1965 to 30.11.2000 from Respondents 3 and 5.
- (iii) To pay interest as per the admissible rate of interest on the benefits which the applicant is entitled.

2. In furtherance and compliance of this direction, a revised pension payment order in favour of the applicant

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an Ex -APO has been issued within 2 months i.e. 16.7.2007 as per following details:

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|-------|------------------------|---------------------|
| (i) | Pension | Rs. 4550/-Per Month |
| (ii) | Commutation of Pension | Rs. 1820/-Per Month |
| (iii) | Residuary Pension | Rs. 2730/-Per Month |
| (iv) | Value of Commutation | Rs. 214250/- |
| (v) | Family Pension(Normal) | Rs.2730/- |
| | (Higher) | Rs. 4550/- |

Similarly, Annexure 4 itself shows that interest on account of delayed pension amounting to Rs. 44988/- and interest on delayed commuted pension amounting to Rs. 47197/- total Rs. 92185/- has also been paid and credited into the Saving Bank Account of the applicant through SBI Core Banking system in the year 2009.

3. Annexure 7 filed by the applicant shows that the applicant was not satisfied with the payment of balance DCRG and therefore, made a representation in respect whereof a Memorandum was drawn on 6.1.10. In this Memorandum, it is mentioned that the matter was examined under Rule 5 (b) of Appendix-11 (Benefits of transfer to other bodies) of CCS Pension Rules which provides that past services can be counted as qualifying service for pension under the new organization in which, case the prorata retirement or other terminal benefits, if already received by the person, will have to be deposited with interest thereon. It is also clearly mentioned in it that the applicant did not receive any terminal benefits from the U. P. State Government. The past services rendered by him will only have to be counted for the purpose of pension only which appears to has been done, and payments have also been made. In the concluding paragraphs , it is



mentioned that the matter was discussed with the applicant in the office of Central Social Welfare Board alongwith all facts of case, the rule position and the applicant agreed that he is not entitled for grant of revised gratuity for the period he has served with UP Government. As far as his services rendered with the Central Social Board is concerned, the gratuity amount for the relevant period has already been paid.

4. In the compliance report, reference has been made to this memorandum specifically. Though, the applicant has denied it in the RA but it appears to be only a general denial. There is no specific denial to the effect that neither he discussed the matter in the office of O.Ps nor he accepted that no further amount is required to be paid to him towards gratuity.


5. We have carefully gone through the relevant provision contained in Appendix -11 Rule 5 (b) which have been brought on record as Annexure-8 by none other than the applicant himself. In the opening line of Rule 5(b) itself word 'pension' is mentioned. Similarly, in the note appended just before the aforesaid rule, it has been further clarified that it pertains to only pension and not gratuity. Moreover, this provision does not give any benefit to the applicant only because some amount of G.P.F. which he had received from his previous employer has been deposited by him with interest. Because, it was not an amount of pensionary benefits received by him from the previous employer about which the above rule mentions to deposit. This amount of G.P.F. was his own money which has been deposited by the applicant in response to the letter dated 6.12.2004 issued by the

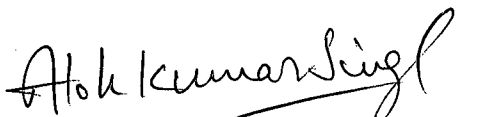
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Central Social Welfare Board, the present employer. That is why it was not brought to the notice of this Tribunal at the time of pendency or decision of O.A. No. 329/2006 because it being not a part of pensionary benefit, was not relevant for the purpose of the matter in question.

6. During the course of arguments also, the learned counsel for the applicant could not show any provision or rule in respect of providing revised gratuity in the manner it is being claimed. Similarly, he could not demonstrate on the basis of any calculation showing as to what amount according to him he was entitled to get beyond the amount which has already been paid to him as gratuity amount.

7. Therefore, in view of the above, we come to the conclusion that substantial compliance has been made. Consequently, this contempt petition stands disposed of in full and final satisfaction and the notices stands discharged.


(S. P. Singh)
Member (A) 19.1.12


(Justice Alok Kumar Singh)
Member (J) 19.1.12

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