

**CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI**

OA No. 360 of 2006

Date of order : 3.8.2007

C O R A M

Hon'ble Mr. S.N.P.N. Sinha, Member [Admn.]

Dadoo Ram Kahar Applicant.

Vrs.

The Union of India & Ors. Respondents.

Counsel for the applicant : Shri M.P.Dixit

Counsel for the respondents : Shri G.K.Agarwal, ASC

O R D E R

S.N.P.N.Sinha, Member [A] : -

The present application has been filed for direction to the respondents to grant of pro-rata pensionary benefits to the applicant from the date of transfer/absorption in Coal India Limited from 1.8.1985 instead of 2.5.1994. It is pointed out that this Tribunal in a number of cases [as in O.A. No. 102 of 2001 decided on 29.11.2001, O.A. No. 1015 of 2002 decided on 3.12.2002] has earlier taken a view and disposed of the matter with direction to the respondents to examine/consider the applicant's case and pass reasoned order for grant of pro-rata pension in accordance with

law.

2. Written statement has been filed on the respondents' behalf. It has been submitted that the application is badly time barred as the cause of action appears to have arisen in the year 1994 whereas the present application has been filed in the year 2006. The applicant has also not exhausted departmental remedies.

3. In view of the aforesaid, this application is disposed of at this stage itself with directions to the respondents concerned to examine and consider the case of the applicant for grant of pro rata pension in view of the decision of this Tribunal in O.A. No. 1015 of 2002 and O.A. No. 102 of 2001 and pass reasoned and speaking order within a period of six months from the date of receipt of this order. If the applicant is found within the purview of granting pro-rata pensionary benefits, they will also be entitled to receive interest for delaying the payment of such pensionary benefits as admissible under the rules. The respondents are directed to act accordingly.

4. The O.A. is disposed of, accordingly.


[S.N.P.N. Sinha]
Member [Admn.]

mps.