IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH : PATNA

Date of Order:- 20.1.2006

Registration No. OA-46 of 2006

C O R A M

Hon'ble Km Sadhna Srivastava, Member (J)

Chatthu Mahto, Son of Late Mangal Mahto, Ex-M.F.W. under C.M.L.W.O., Government of India, Ministry of Coal, Permanent resident of Chand Kuiya, P.O.Amtal, Distt. Dhanbad, presently residing at Madan Bigha, P.O. Mira Bigha, Distt. Gaya (Bihar).

......Applicant

-By Shri M.P.Dixit, Advocate

Versus

1. The Union of India through Secretary, Ministry of Coal, Shastri Bhawan, New Delhi.

2. Officer on Special Duty, Minisry of Coal, Government of India, Kalyan Bhawan, Jagjivan Nagar, Dhanbad

3. Coal Mines Provident Fund Commissioner, Ministry of Coal, Kalyan Bhawan, Jagjivan Nagar, Dhanbad

4. Regional Pay & Accounts Officer, Office of R.P.A.O., Ministry of Coal, Jagjivan Nagar, Dhanbad

5. Sr. Acounts Officer, Principal Account Office, Ministry of Coal, Shastri Bhawan, New Delhi.

... Respondents

-By Shri G.K.Agarwal, ASC

O R D E R(Oral)

Hon'ble Km Sadhna Srivastava, Member (J):-The applicant seeks a direction to the respondents to pay pro rata pensionary benefits to him from the date of his transfer in a subsidiary of Coal India Limited with effect from 1.10.1986.

2.   The applicant is an ex-employee of erstwhile Coal Mines Labour Welfare Organisation(in short CMLWO), Government of India, Ministry of Coal. He was appointed on 9.5.1963 as Malaria Field Worker and he worked there upto 30.9.1986. Subsequently he was absorbed and transferred in the Subsidiary of Coal India Limited with effect from 1.10.1986 and prior to the absorption he had completed 10 years of regular service in CMLWO and was in pensionable job. It is the stand of the applicant that he is entitled for the pro rata pensionary benefit with effect from 1.10.1986. He has, therefore, filed the instant OA with the prayer that a direction be issued to the respondents to pay the pro rata pensionary benefits with effect from 1.10.1986.In support of his claim the applicant has filed various judicial pronouncements as mentioned in the OA, specially the order of this Tribunal passed in OA-102 of 2001 decided on 29.11.2001 by the Ranchi Circuit Bench, the judgment datge 3.12.2002 passed in OA-1015 of 2002 – Gorelal Rajak Vrs. Union of India (Annexure-A-1).

3.   The learned coiunsel for the respondents has stated that with regard to pro rata pensionary benefits certain orders were passed by this Tribunal in various O.As.The case of the applicant can be remitted to the concerned respondents to examine and verify the factual and legal status of the applicant from the official records and at the same time to examine his case in the light of orders already passed by this

Tribunal in various OAs, specially the OA 102 of 2001(R) (Supra) whereafter, appropriate order in the matter can be passed by the concerned respondent.

4.   Heard the learned counsel for the parties and perused the materials available on record carefully. We feel that this OA can be disposed of at the admission stage itself keeping in view the submissions made on behalf of the parties. The respondents can proceed in the matter after making necessary verification and examination about the factual and legal status of the applicant.

4.   In view of the above facts and circumstances of the case, the respondents are directed to examine/consider the case of the applicant for grant of pro-rata pensionary benefits in the light of orders passed by this Tribunal in various OAs as referred to in this OA specially OA No.102 of 2001 (R) decided 29.11.2001 (Supra) and thereafter, to pass reasoned orders in accordance with law in respect of grant of pro-rata pensionary benefits to the applicant as admissible under the Rules within six months from the date of communication of a copy of this order along with a copy of this OA. If the applicant is found within the purview of granting of pro-rata pensionary benefits, the same will be granted to the applicant.

5.   The OA is disposed of accordingly with no order as to costs.

(Sadhna Srivastava)
Member (J)

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