

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE 191 OF 88NAME OF THE PARTIES P. B. Saxena

Applicant

Versus

Union of India

Respondent

Part A, B & C

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated... 27-12-2011

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE CA-191 of 19 88(L).NAME OF THE PARTIES P.B. Saxena

Applicant

Versus

Union of India & RespondentPart A, B & C

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(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

191 of 1988 (L)

Payment of
Terminal
benefits

APPLICANT (s)

Prem Bahadur Saxena

RESPONDENT(s)

U. O. 9. & others.

(Ord. by. Kampur)

Particulars to be examined

Endorsement as to result of Examination

- | | |
|---|--|
| 1. Is the appeal competent ? | yes. |
| 2. (a) Is the application in the prescribed form ? | yes |
| (b) Is the application in paper book form ? | yes |
| (c) Have six complete sets of the application been filed ? | Two Sets only. |
| 3. (a) Is the appeal in time ? | yes. |
| (b) If not, by how many days it is beyond time ? | — |
| (c) Has sufficient case for not making the application in time, been filed ? | — |
| 4. Has the document of authorisation/Vakalat-nama been filed ? | yes. |
| 5. Is the application accompanied by B. D /Postal-Order for Rs. 50/- | G.P.O. no. DD 065173
5 dt. 24.10.88 |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | yes |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes. |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | yes by the Counsel. |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

****.

O.A./T.A. No. 191 1980

P. B. Sreena

Applicant(s)

Versus

U.O. 2

Respondent(s)

Sr.No.	Date	Orders
	27/10/88	<p>Hon. D. S. Misra, Jm.</p> <p>Hon. G. S. Sharma, Jm.</p> <hr/> <p>On the request of the learned Counsel for the applicant Shri D.K. Raizada the case is adjourned to 22-11-88 for further hearing on admission as he wants to file some documents.</p> <p style="text-align: right;">h Am.</p> <p style="text-align: center;">J.M.</p>
	18/11/88 22/11/88	<p>OR</p> <p>Documents have been filed by the counsel for the applicant as directed by the court's vide order dated 27-10-88 submitted for admission.</p> <p style="text-align: right;">Jmish 19/11/88</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./I.A. No. 191 1988(C)

P. B. Saxena

Applicant(s)

Versus

U.O.

Respondent(s)

Sr. No.	Date	Orders
22-11-09		No sitting. Adjourned to 21-12-00 for admission. h 22/11
21/12		No sitting - Adjourned to 27-1-09 for admission. h 21/11
27-1-09		No sitting. Adjourned to 22-2-09 for admission. h 27
22/2/09		For D.S. Misra, Ar. Shri D.C. Raizada for the app is present. Put up on 23-2-09 for admission. be Ar.
		Ar.

(c) Are the documents referred to in (a) above neatly typed in double space ?

Yes

8. Has the index of documents been filed and paging done properly ?

Yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?

Yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?

No.

11. Are the application/duplicate copy/spare copies signed ?

Yes

12. Are extra copies of the application with Annexures filed ?

No.

(a) Identical with the original ?

—

(b) Defective ?

—

(c) Wanting in Annexures

—

Nos...../Pages Nos.....?

13. Have file size envelopes bearing full addresses, of the respondents been filed ?

No.

14. Are the given addresses, the registered addresses ?

Yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

Yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

—

17. Are the facts of the case mentioned in item No. 6 of the application ?

Yes

(a) Concise ?

Yes

(b) Under distinct heads ?

Yes

(c) Numbered consecutively ?

Yes

(d) Typed in double space on one side of the paper ?

Yes

18. Have the particulars for interim order prayed for indicated with reasons ?

No.

19. Whether all the remedies have been exhausted.

Yes.

If approved, be listed before the court on 27.10.88. D.R.(A)

26/10/88

Sic

26/10/88

Hon' Mr. D.S. Mishra, A.M.
Hon' Mr. D.K. Agarwal, J.M.

(AS)

29/3/89

Shri D.K. Raizada learned counsel for the applicant is present. None ~~is~~ appeared ~~and~~ on behalf of respondents and no reply to the show cause notice has been filed by them. One more opportunity is given to the respondents to file reply of show cause notice. List the case on 2-5-89 for further direction.

J.M.

(sns)

A.M.

OR
In compliance of court's order dt. 29.3.89 no reply has been filed by the learned counsel for the respondents of show cause notice.

Submitted for order
Admission

Qua 11/5
11/5

Hon. Justice K. Nath, VC.
Hon. D.S. Mishra, AM.

We have heard the learned

OR
Police Officer
Shs
29.6.89

2-5-89

Hon. Justice K. Nath, VC
Hon. D.S. Mishra, AM

Heard. Admit. Issue notice to O.P's to file reply within four weeks to which the applicant may file rejoinder within two weeks thereafter. List for hearing on 11-7-89.

Sd
AM

Sd
VC

OR
No reply has been filed so far
Submitted for order
11/7

11.7.89

No sitting of Bench. Adjourned to 22.9.1989 for hearing.

11/7/89
S.O. (J)
Reply filed today
11/7

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 191 of 1988(L)

APPELLANT
APPLICANT

P. B. Saxena

VERSUS

DEFENDANT
RESPONDENT

U. O. T. 208.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

Hon'ble Mr. D.K. Agrawal, Jm.
Hon'ble Mr. K. Chatterjee, Jm.

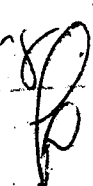
20-10-89

For D.K. Raizola counsel for the applicant is present.

None is present on behalf of respondents.

List this case on 1-11-89 for

hearing.


Jm.

Dp

Jm.

(SNS)

OR
No R.A. filed
Submitted for hearing.

27/2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

O.A. NO. 191788 (L)

.....

(A7)

P.B. Saxena	Applicant
	Versus	
Union of India & other	Respondant

Hon. Mr. J.P. Sharma, J.M.

(By Hon. Mr. J.P. Sharma)

The applicant claimed Pro Rata pension of the period he worked in Ordnance Equipment Factory, Kanpur, before permanently absorbed in Scooter's India Ltd., Lucknow. He also claimed terminal benefits which are due to the applicant.

The applicant worked as Senior Draft man in Ordnance Equipment Factory, Kanpur and on in January, 1974, he applied for job in Scooter's India Ltd., retaining the lien for two years as per Rules in the Parent department. On expiry of lien period the applicant was permanently absorbed, in public interest, in Scooter's India Ltd., as such resigned from service of the Ordnance Equipment Factory, Kanpur on 11.8.1976. The applicant was declared permanent on 2.7.1975. After the applicant became permanent by the notice dated 10.12.1981, the applicant applied for terminal benefits of pension and gratuity to the Chief of Account (F.Y.S.), Calcutta and he was made to pay a sum of Rs. 3628.90 as L.S. and P.C. and Rs. 2648.44 as interest due to delay of the payment of L.S. and P.C.; there was a controversy about the payment of interest, the applicant has written number of letters and reminders to the authority concern for waving of interest and grants on terminal benefit of retirement. The applicant has claimed the following reliefs:

- a) Arrears of Pro Rata pension for the last 12 years,
- b) Gratuity,
- c) Leave Encashment &
- d) Interest there on.

The respondant contested the application, filed a counter. The respondant contended that the applicant

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is not entitled to any interest. The delay in finalising has been due to ~~P~~redential sanction as per Central Civil Services (Pension) Rule 1972, applicable to the persons joining foreign service. The respondents admit[^] their liability to pay the terminal retirement benefit to the applicant but the delay in payment has been on account of the fault of the applicant himself, as he has not contributed L.C. and P.C. in time and also desired waiv[^]er of interest chargeable from the applicant due to delayⁱⁿ payment of L.C and P.C.

~~Both~~ Above, the counsel were heard at length, the learned counsel, Shri V.K. Choudhary for the respondent gave a statement that the applicant will be given of terminal benefit of retirement on account of his permanent absorption in Scooter's India Ltd., in 1976, within 3 months. In view, of this, applicant, who appeared in person, said that he is satisfied if whatever amount due, after calculation is paid to him. The applicant did not ^{challenge} changed his date of substantive payment from 2.7.1975. In view, of this, respondent, shall find out that how long the applicant is being serving in the Ordnance Equipment Factory, Kanpur and what is the total length of continuous qualifying service of the applicant in the said Factory on 11.8.1976, when the applicant was permanently absorbed in Scooter's India Ltd.. The respondent, who ^{will} calculated the terminal benefits, due to the applicant as per Central Civil Service (Pension) Rule, 1972. Since, the applicant has not given any figure, so the applicant states that he shall be satisfied with, whatever amount, is fixed accordingly, to the rules in the circumstance of the case, be paid to him. In the event, the amount is paid within 3 months then, the applicant will also not claim the interest over the amount which has fallen due and not paid on account of terminal benefits aforesaid.

The learned counsel Shri V.K. Choudhary has categorically stated that, if the amount is not paid in 3 months then the interest can be paid to the applicant at the rate of 6% p.a. from the date of the order of this Tribunal. While, admitting this position, the learned counsel for the respondent pointed out that the delay in finalising the necessary papers of pension of the applicant was due to the delayⁱⁿ deposit of the L.C. and P.C. contribution by the applicant himself. More over, the applicant has claimed waiver of interest also, which is to take some time in the event. However, ~~no application has been given in that regard.~~

↓

Contd/3-.....

(ph)

The application is disposed of with the ^{Consent} ~~concern~~ of both of the parties, that the due terminal benefits will be paid to the applicant within 3 months, after calculation, according to the rules in Central Civil Service (Pension) Rule, 1972, applicable to the person joining foreign service. Further, if the amount is not paid within 3 months, the interest at the rate of 6% will be paid to the applicant from the date of the order. The application is disposed of accordingly, on the own cost of both the parties.

Forman

J.M.

Dated: 8.3.1990

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH LUCKNOW.

BETWEEN.

(AIO)

Prem Bahadur Saxena.....Applicant.

V E R S U S

Union of India and others.....Respondent.

I N D E X.

S.No.	Description of documents relied upon.	Page no.
1.	Application.	1- 9.
2.	<u>Annexure: A-1</u> True copy of the representation dated 15.5.1982 by the applicant to the C.O.A.(Factories), Calcutta.	10.
3.	<u>Annexure: A-2</u> True copy of the representation dated 13.7.1987 by the applicant to the respondent no. 2.	11.
4.	<u>Annexure: A-3.</u> True copy of the letter dated 15.9.1988 of the opp. party no. 3 to the applicant.	12.
5.	<u>Annexure: A-4.</u> True copy of the letter dated 28.2.1986 to the applicant by the opp. party no. 3.	13.
6.	<u>Annexure: A-5.</u> True copy of the letter dated 5.7.1984 by C.O.A.(Factories), Calcutta, to the opp. party no. 3.	14-15.

BSaxena

(11)

S.No.	Description of documents relied upon.	Page no.
7.	<u>Annexure: A-6.</u> True copy of the letter dated 17.7.1987 by the opp. party no. 3 regarding Pro-rata pension to to the applicant.	16.
8.	<u>Annexure: A-7.</u> True copy of the letter dated 3.9.1987 by the opp. party no. 3 to the Director General Ordnance Factories, Kanpur reg. the Pro-rata pension to the applicant.	17-18.
9.	<u>Annexure: A-8.</u> True copy of the letter dated 16.2.1984 by the Personnel Officer of the opp. party no. 4.	19-20
10.	<u>Annexure: A-9.</u> True copy of the letter dated 7.5.1984 regarding leave salary and pension contribution of the applicant.	21.
11.	<u>Annexure: A-10.</u> True copy of the payment receipt of Shri S.C. Kapoor, Asstt. Engineer in the office of the opp. party no. 4.	22-23.
12.	Application for permission to appoint an advocate to conduct the aforesaid case.	24-25.

Contd.....3/-

BSaxena

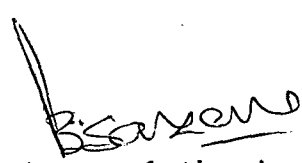
S.No.	Description of documents relied upon.	Page no.
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13.	Application for admission and hearing of the aforesaid case at Lucknow Circuit Bench of the Tribunal.	26-27.
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14.	Vakalat Nama .	28,
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LUCKNOW.

DT/- 24 -10-1988


Signature of the Applicant.

For the use of Tribunal's Office.

Date of filing.

O-

Date of Receipt by post.

Registration no.

Signature for Registrar.

1.

(A13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH LUCKNOW.

B E T W E E N

Filed July. Note
In 27. 10.88.

D. K. Singh
Adv.
26-10-88.

Filed on 26.X.88

List on 27.X.88

July
26/10/88
D.R.(J)

O.A. No. 191 of 80 (L)

Prem Bahadur Saxena, aged about 49 years, S/O Shri Shamsher Bahadur ^{Sinha} ~~Saxena~~, r/o H.No. L-41, Sector D, L.D.A. Colony, Kanpur Road, Lucknow.

.....Applicant.

~~VERSUS~~ AND

1. Union of India through the Secretary, Ministry of Defence Production, South Block Central Secretariate, New Delhi.
2. The Chairman, Ordnance Factory Board, ^{10-A, Auckland Road} ~~Esplanade East~~, Road. Calcutta.
3. General Manager, Ordnance Equipment Factory, Kanpur.
4. Scooter's India Ltd, Sarojni Nagar, Lucknow through its Executive Director.

.....Respondent

1. DETAILS OF APPLICATION.

Particulars of the applicant.

- i) Name of the applicant Prem Bahadur Saxena
- ii) Name of father Shri Shamsher Bahadur ^{Sinha} ~~Saxena~~
- iii) Age of the applicant About 49 years.

Saxena
Contd.....2/-

AM

iv) Designation and particulars of office and ") in which employed or last employed before ceasing to be in service. Ex. Drafts Man, -Ordnance Equipment Factory, Kanpur.

v) Office address. Engineer(Production Engineering Section), Scooter's India Ltd., Sarojni Nagar, Lucknow.

vi) Address for service of notices. Same as above.

2. Particulars of Respondent.

i) Name of the respondent. 1. Union of India through the Secretary, Ministry of Defence (Production), South Block Central Secretariate, New Delhi.

2. The Chairman, Ordnance Factory Board ^{10-A Anand Nagar} ~~6 Esplanade~~ Road, Calcutta.

3. General Manager, Ordnance Equipment Factory, Kanpur.

4. Scooter's India Ltd., Sarojani Nagar, Lucknow through its Executive Director.

ii) Name of the father Not applicable

iii) Age of the respondent Not applicable

iv) Designation and particulars of office (Name and Station) in which employed

BSN/EM



- v) Office address. As given above.
- vi) Address for service of notices. As given above.

3. Particulars of the order against which the application is made.

Claimed for Pro-Rata pension of the applicant on his permanent absorption in Scooter's India Ltd, Lucknow from Ordnance Equipment Factory Kanpur.

The application is against the following order:-

- i) Order no. With reference to the Annexure.
- ii) Date -
- iii) Passed by subject -
- iv) Subject in brief. All the Terminal benefits to the applicant of which is entitled from the opp. party ~~no.~~ no. 3 .

4. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which he wants redressal ^{is} within the jurisdiction of Tribunal.

5. Limitation.

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal's Act, 1985.

6. Facts of the case.

The facts of the case are given below:-

BSXENC

(A/6)

1. That the applicant is at present working as Engineer in Scooter's India Ltd., Sarojani Nagar, Lucknow.
2. That the applicant was working as Sr. Drafts man in Ordnance Equipment Factory, Kanpur ^{on} Qasi permanent post and through his employer submitted an application in Scooter's India Ltd., Sarojani Nagar, Lucknow and on selection joined Scooters India Ltd., Lucknow on 25.1.1974, retaining lien for 2 years as per rules. On expiry of lien period, the applicant was permanently absorbed on public interest in Scooters India Ltd., Sarojani Nagar, Lucknow and resigned from service of Ordnance Equipment Factory ^{for} on 11.8.1976.
3. That the applicant was not declared permanent alongwith the other colleagues on 4.5.1978 w.e.f. 1.4.1971 on his turn due to administrative negligence and later on declared permanent through notice on 10.12.1981 w.e.f. 2.7.1975 during this period he was denied of Terminal benefits of pension and Gratuity.
4. That the applicant after getting declared permanent applied for Terminal Benefits of pension and Gratuity. In reply to that, the Chief of Accounts (F Y S) Calcutta has charged an amount of Rs. 3628.90 as L.S. and P.C. and Rs. 2648.44 has been charged interest due to delayed payment of L.S. and P.C.
5. That the applicant paid Rs. 3628.90 as L.S. and P.C. immediately and ^{Controller} ~~Chief~~ of Account (EYS), Calcutta has refused the above amount.
6. The amount of interest being charged ^{from} by the applicant is illegal unwarranted as the applicant was not informed earlier about the payment of L.S. and P.C. as the

A12

rules changing from time to time. The applicant was not in position to calculate moreover Ordnance Equipment Factory letter no. D/P-55-PBS, dated 5-6/7-1984 in which it is ~~also~~ clearly mentioned that the delayed payment of L.S. and P.C. is not due to the applicant's fault but due to administrative delay.

7. That since more than ^{four} ~~two~~ years, the applicant has written a number of letters to the ~~Chairman~~ ^{Chairman}, Ordnance Factory Board, General Manager, Ordnance Equipment Factory, Kanpur and ^{Controller} ~~Chief~~ of Accounts (FYS), Calcutta for taking all the matter for waving the interest with appropriate authority and issuing of Govt., Of India for the grant of Terminal Benefits but neither the interest has been waved off nor the Govt. of India orders have been issued.
8. That it clearly shows that the applicant is being harassed (a) by the delayed declaring of permanency ; (b) charging of interest for the last nine years. Since the applicant has resigned from the service of Ordnance Factory on 11.8.1976 and is being denied the benefits of pension and gratuity, thus incurring a loss of good amount and also interest over it.
9. That this delay in getting Terminal Benefits is due to the administrative negligence is the cause of action accrued to the applicant against the opp. parties no. 1 to 3.
10. That on these facts, the applicant claims the amount of Terminal Benefits and Gratuity with interest on all the ^{claiming} ~~part~~ of the petitions.
11. That the opp. party no. 4 has been arrayed as a

BSA/Xene

A/10

Proforma ^{party} ~~authority~~ because the applicant is at present working in the office of the opp. party no. 4.

7. Details of the remedies exhausted:

- i) The applicant declares that he has availed all the remedies available to him under relevant service rules etc.

The applicant made several representations to the opp. parties no. 2 and 3, but so far the applicant has ^{not} not been paid his Terminal Benefits of his Pro-Rata pension and Gratuity. The applicant has made representations annexed along with this application as Annexures A1 to A2 to which the opp. parties no. 1 to 3 are agreeable to pay the aforesaid Terminal Benefits to the applicant, correspondence letters of the opp. parties 1 to 3 are also annexed as Annexures A3 to A4.

- ii) That it is also submitted that he as required by the opp. parties no. 2 and 3, the applicant has paid Rs. 3628.90 paise as his contribution to the leave salary and pension contribution to the Controller of Defence Account (FY), Calcutta in the year 1984 and has represented regarding the waiver of interest as has been required by him the opp. parties no. 2 and 3 to pay.

- iii) That in a ^{similar} similar case of Shri S.C. Kapoor, Ex. Chargeman of the Ordnance Factory, Kanpur, who resigned from there in the year 1977 and joined as Assistant Engineer in Scooters India Ltd., Lucknow, he has been paid the leave salary and pensionary benefit in the year 1984 and presently he is working as Senior Engineer in Scooters India Ltd., Lucknow and whose interest has been waived off.

B. S. K. K.



iv) That another case which is similar with the applicant is of T.K.Roy, Ex.Chargeman, S.A.F., Kanpur, who is presently working as Senior Engineer in Scooters India Ltd., Lucknow, no interest has been charged from him and he has joined Scooters India Ltd. Lucknow at a later date than the applicant.

v) That the applicant represented both the aforesaid case of Shri S.C.Kapoor and Shri T.K.Roy to the ~~Chief~~ ^{controller} of Accounts (Factories), Calcutta, which is annexed as Annexure A-1 and A-2 to this application.

The applicant is also filing the payment order of the pensionary benefit of Shri S.C.Kapoor to him (Shri S.C.Kapoor) which is annexed as Annexure A-10 to this application.

8. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

In case the applicant had previously filed any application, writ petition or suit the stage at which it is pending and if decided, the gist of the decision should be given with the reference to the Annexure.

9. Relief sought:

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs:-

Contd.....

B. S. Sharma

A20

That this Hon'ble Tribunal be pleased to pay to the applicant all the Terminal Benefits to the applicant mentioned below:-

- a) Arrears of Pro-rata pension for the last about 12 years (Twelve years) w.e.f. 11.8.1976 to up to date.
 - b) Future ~~pro~~ pension.
 - c) Gratuity.
 - d) Leave encashment (69 days)
 - e) Interest at the rate of 6% per annum on the aforesaid arrears of pro-rata pension for the last 12 years, gratuity and leave encashment for the loss sustained by the applicant due to non payment of the said amount even till now.
10. Interim order, if any prayed for pending final decision on the application, the applicant seeks issue of the interim order:- not ~~payd~~.
 11. In the event of application being sent by registered post it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a selfaddressed post card/Inland letter on which intimation regarding date of hearing could be sent to him.
 12. Particulars of Bank Draft/ Postal Order in respect of the application if:
 - i) Name of the Bank at which drawn.
 - ii) Demand Draft no.
Or
No. Of Indian Postal Order.
 - iii) Name of the Issuing Post Office.
 - iv) Date of issue of Postal Order (S)
 - v) Post Office on which payable.

(A21)

13. List of enclosures.

Annexure A-1 to Annexure A-10
as described in the Index.

V E R I F I C A T I O N .

I, Prem Bahadur Saxena, S/O Shri Shamsher Bahadur ^{Sinha} Saxena, aged about 45 years, working as Engineer (Production) in the office of the Scooter India Ltd., Lucknow, r/o H.No. 41, Sector D, L.D.A. Colony, Kanpur Road, Lucknow, do hereby verify that the contents of paras 1 to 10 are true to my personal knowledge and those of paras 12 ^{are} ~~to~~ believed to be true on legal advice and that I have no suppressed any material fact.

Dated: 24.10.88.

Place: Lucknow.

BSaxena
Signature of the
Applicant.

Presented by

D. K. Raizada 24.10.88.
(D. K. Raizada)

Advocate

Counsel for the Applicant.

In the Central Administrative Tribunal at Allahabad,

Circuit Bench at Lucknow.

Case No. _____ of 1988.

B E T W E E N

Prem Bahadur Saxena.

...Applicant.

A N D

Union of India & Others.

...Respondents.

Annexure -A-1.

To

C of A (Fys.)
10, A - Auckland Rd.,
CALCUTTA.

Sub: Waval of Interest on leave salary & Pension
contribution and issue of Govt. orders in r/o.
of P.B. Saxena, Ex-Sr. D'man O.E.Fy. Kanpur.

Ref: Your letter no. Pay/14/380-A(P)/6 dt. 26.10.84.

Sir,

I wish to bring to your notice regarding waval of interest the case of Mr. S.C. Kapoor Ex-Chargeman O.F.C. presently working as Sr. Engineer Scooters India Limited, Lucknow, whose interest has been waved off and he has recd. final payment and he had payed the amount of L.S & P.C. at a much more later date than mine and another case of Mr. T.K. Roy Ex-Chargeman S.A.F. Kanpur presently Sr-Engineer Scooters India Limited, Lucknow no interest has been charged from him and he has joined Scooters India Ltd., at a later date than me.

I request your honour that my case may also be considered in line with that of Sri S.C. Kapoor or Sri T.K. Roy and same bonifit may also be given to me and if the case is likely to be delayed further, then I may pl. be intimated the amount of interest to be paid by me at the earliest so as to expedite the case I will pay the amount of interest and after the settlement of the case the amount of interest paid by me will be returned back.

I may also be intimated that this amount to be paid to C of A (Fys.) Calcutta or J.C.D.A Kanpur as the case is still lying with J.C.D.A. Kanpur.

Thanking you,

Yours faithfully

(P.B. SAXENA)

Copy to:

Chairman
O.E. Board
10, A Auckland Rd.
Calcutta.

GM
O.E.Fy.
Kanpur.

Attested True Copy

Dr. K. J. Singh

Advocate

24.10.88.

11

In the Central Administrative Tribunal at Allahabad,

Lucknow Bench (Circuit), Lucknow.

Case No. _____ of 1988.

B E T W E E N

Prem Bahadur Saxena,

...Applicant.

A N D

Union of India & Others,

...Respondents.

To

Annexure-A-2.

The Chairman
Ordnance Factory Board,
10, A - Auckland Road,
CALCUTTA-1.

Sub: Waival of Interest on Leave Salary and Pension contribution in r/o. P.B. Saxena Ex-Str.D'man Ordnance Equipment Factory, Kanpur.

Ref: Your letter No. 508/A/MI(Vol 3) dt. 21.8.84.

Sir,

With reference to your above letter I wish to bring to your notice that since the case has been transferred to D.G.O.F's Hqrs. Kanpur. I am not able to get any information regarding the progress of my case either from G.M.O.E.Fy. Kanpur or Adl. D.G.O.F. Hqrs. Kanpur, for the last 2 years in spite of writing no. of letters. I had expressed the fear in my earlier letters that by transferring the case to Adl. D.G.O.F. Hqrs. it will be further delayed and same is happening and this case has taken more than 11 years since I have resigned from the services of Ordnance Factories and I am being made financially looser without any of my fault. Where as this case of Mr. S.C. Kapoor Ex-Chargeman C.F.C. the amount of interest charged to him has been waived off in process and he has received the final payment. He has resigned from the services of Ordnance factories at much later date than me.

I therefore request your honour to kindly intervene in the matter with G.M.O.E. Fy. Kanpur and Adl. D.G.O.F. Hqrs. Kanpur to expedite the case at the earliest.

Thanking you,

Attested true copy
Shree Yoda
Advocate
Yours faithfully

Dated: 13.7.87

24.10.88-

(P. B. SAXENA)

157-82

Copy to:

1. C of A (Fys)
10, A-Auckland Rd.,
Calcutta.

- Kindly consider my case for waival of interest in time with that of Sri S.C. Kapoor Ex-Chargeman C.F.C.

2. G.M.O.E.Fy.
Kanpur.

- I did not receive any progress regarding my case for the last 2 years inspite of sending no. of reminders. Please let me know the latest position.

BSaxena

In the Central Administrative Tribunal At Allahabad,

Circuit Bench, Lucknow.

Case No. _____ of 1988.

Between,

Prem Bahadur Saxena.

... Applicant.

A N D

Union of India & Others.

... Respondents.

Annexure. A-3.

No. E/P-55/PBS
Govt. of India,
Ministry of Defence
Ordnance Equip. Factory.
KANPUR. Dt. 15-9-88

To,
Shri P.B. Saxena,
Production Engineer,
Scooter India Ltd. Sarojani Nagar
Lucknow.

Sub:- Payment of Pro-rata Pension to Shri P.B. Saxena,
Ex. Sr. D'man.

Ref:- Your application dated 29-7-88

With reference to above, you are hereby
informed that your case for waiver of Interest
on Leave Salary and Pension contribution has been
forwarded to Ministry of Defence. A further
communication will follow on receipt of decision.

Copy to :-

The Addl. DGOF,
O.E.F Group Headquarters
ESIC Bhawan, Sarvodaya Nagar
KANPUR-5

(MAHESH GUPTA)
Works Manager/A
tr General Manager.

For information
This refers to
Headquarters Letter

No. 024/Misc/A/N/DEF/PTD-6-9-88

Attested True Copy

Dharm Singh
Advocate.
24.10.88.

BSaxena

In the Central Administrative Tribunal at Allahabad,
Circuit Bench at Lucknow.

Case No. _____ of 1988.

B E T W E E N .

Prem Bahadur Saxena.

... Applicant.

A N D

Union of India & Others.

Annexure A-4.

To,
The Addl. D.G.O.F.
Ord. Equip. Fys. Group M r.
E S I C Dhanu
Sarvodaya Nagar,
Kanpur.

No. E/P-55/P&S Respondents.
Government of India,
Ministry of Defence,
Ordnance Equipment Factory
Kanpur.
Dated 28-2-86.

Sub :- Permanent ascertainment of Shri P.B. Saxena, Ex. Draftsman,
O.E.Fy. Kanpur in public sector undertakings —

~~XXXXXXXXXXXX~~ Shri P.B. Saxena, Ex. Draftsman of this factory was released w.o.f. 24-1-74 to join Sector India Ltd. Lucknow on U.P. Govt. undertaking. After expiry of Lien period of 2 years, he was eventually, struck off from the factory strength w.o.f. 11-3-76 on his permanent ascertainment in Sector India, Ltd. At the time of release from this unit he was temporary but subsequently declared permanent w.o.f. 2-7-75 vide F.O. Pt. 11 No 380 dated 10th February 1982. On confirmation Shri Saxena has requested for payment of Pension/Gratuity for the services rendered in Ordnance Factory in accordance with Rule 37 of G.C.S. (Pension) Rule 1972.

Shri Saxena has paid the amount of Pension contribution and leave salary contribution as intimated by C.D.A.(Fyo), Calcutta. However, he had requested for relief off interest on Pension contribution chargeable on account of delayed payment. The case is under consideration with C.D.A.(Fys).

In order to prefer the claim for payment of pro-rata pension/Gratuity to Shri Saxena, the sanction of the President is essential for payment of said dues. Hence, Addl- D.G.O.F. is requested to kindly take up the case with Min. of Defence (Prod) for obtaining the relevant sanction of the President in the matter at the earliest.

Attested true copy.

Shri Saxena

Advocate

24.10.88.

(RANESH GUPTA)
WORKS MANAGER/ADMN.
FOR GENERAL MANAGER.

Copy to,

Shri P.B. Saxena
Production Engineer
Sector India Ltd.
Sarajani Nagar, Lucknow

for information please. D.G.O.F. has advised

that this should be routed through Addl. D.G.O.F.
Hence this fresh letter is issued.

B. Saxena

Circuit Bench, Lucknow.

B E T W E E N

Prem Bahadur Saxena.

...Applicant.

Versus.

Union of India & Others.

...Respondents.

Registration

Annexure A-5.

No. E/P-55-PBS
Ord. Equip. Factory
KANPUR
Dt. 5.6.54
5 7

To,

The C. & A. (Fys)
9, Chittaranjan Avenue
CALCUTTA 72

Subj: Leave Salary / Pension Contribution in respect
of Shri P. B. Saxena Ex Draftsman

Ref: Your letter No. Pay/14/350-A(P) Vol. E dt
7.5.54 addressed to this Factory and copy
to Shri P. B. Saxena

As called for in your letter quoted above
the following para-wise comments are offered.

Para 1 In this connection, attention is invited to
M. of F. O. No. 26(18)-EV(13)/75 dt 8.4.76
clarifying that the retirement benefits are
admissible to only such employees who are
permanent. Further prior to issue of these
orders the transfer of Govt. servant who apply
in response to press advertisement for posts in
public undertakings were not treated as on
public interest and Govt. had no liability to
pay retiring benefits for the services rendered
under the Govt. Since, Shri Saxena was temporary
at the time of release from this Factory, no
action for payment of Leave Salary and
Pension Contribution could be taken. As soon
as he had been declared permanent, the
case for payment of Leave Salary / Pension
contribution was processed.

Para 2 The work for declaring permanent
is centrally controlled by D.G.O.F. and that
is done, purely on seniority basis. Shri
Saxena had been declared permanent
as per his seniority and the orders in
vogue. The follow up action were taken
by this office immediately after getting
the information regarding his permanency.

D. T. M.

ASJ

In view of the position explained above it may be stated that delay in payment of Leave salary/Pension contribution is not due to fault of either side but due to administrative reasons which are not under our control.

You are requested to kind examine the points referred to above and forward the case to D.G.F. for waiver of interest with your recommendations.

[Signature]

(MANESH GUPTA)
Work Manager
General Manager

Copy to

✓ Shri P.B. Saxena
Engineer Production
Scooter India Ltd.
Lucknow - 226005

— for information, and
to Please intimate the Letter No. & date under which the interest of Pension contribution was waived off in case of Sh. T. Krishna Murthy.

Attested True Copy.

[Signature]

Advoch

24.10.88.

[Signature]
P. B. Saxena

In the Central Administrative Tribunal, at Allahabad,
Circuit Bench at Lucknow.

BUTTEEN

Case No. _____ of 1988.

Prem Bahadur Saxena, ... Applicant. No. E/P-95/MS

A N D

GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

ORDNANCE EQUIPMENT FACTORY

KANPUR : DATED : 11/07/1987.

Union of India & Others.. Respondents

Annexure A-6.

To,

The Addl. DGOF.,
DEF Group of Headquarters,
ESIC Dhaman, Sarvodaya Nagar,
KANPUR.

Sub : Payment of Pro-rata Pension to Shri P.D. Saxena
on permanent absorption in Scooter India Ltd.,
Lucknow - Sonation for.

Shri P.D. Saxena, Ex.Sr. Draughtsman, having been released
u.o.p. 24/01/74 (AN) to join foreign employment in Scooter India
Ltd., Lucknow (A Govt. Undertaking) was permanently absorbed by
the said establishment. After allowing to retain two years' leave
period, his name was finally struck off from this factory strength
u.o.p. 11/08/76 (AN) vide F.O. Pt.II No.2985 dated 11/08/76 (Copy
Enclosed). On the day of his release from the factory, Shri Saxena
was not holding any substantive and permanent post. However, he
was confirmed as Draughtsman in 1982 vide O.F. Board, Calcutta
Letter No.888/A/M(3) dated 18/12/81 as published in O.E.F.E.
Factory Order Part.II No.380 dated 18/02/82 from a retrospective
date (i.e. 2/7/75).

On confirmation, Shri Saxena made a request for payment of
pro-rata pension for the services rendered in O.F. Department.
Leave Salary and Pension Contribution as calculated and intimated
by CDA (Fyo), Calcutta vide their No.Pay/14/300-A/Pon/V dt.22/4/83
has been paid by him. The amount of interest on delayed payment
of leave salary and pension contribution amounting to Rs.2048.44
has not been paid by him. However he has requested for waiver of
interest which is still under consideration with the Addl. DGOF.
Receipt of the amount of Pension Contribution and Leave salary
has been acknowledged by C of A (Fyo), Calcutta vide letter
No.Pay/14/380-A/Pon Dt.16-7-84

Keeping in view, the fact that the matter regarding
settlement of the waiver of interest for which sanction of Govt.
will be necessary, will consume extra ordinary time, it is
considered appropriate to initiate action for grant of pro-rata
pension at this stage to avoid further delay. Out of the amount
as awarded, the amount equivalent to interest due to delayed
payment of leave salary and pension contribution treating as
outstanding demand will be kept withheld for payment till the
final decision on the subject is arrived at.

The Addl. DGOF is therefore requested to kindly take
up the matter simultaneously with Govt. of India for sanction
of Pro-rata pension to Shri Saxena under Rule No.37 & 37-A of
CCS Pension Rule 1972 at the earliest.

Attested by

Dharmade

Advocate F/ESH

24.10.88.

(RAHESH GUPTA)
WORKS MANAGER/ADMN.
FOR GENERAL MANAGER

Copy to:

Shri P.B. Saxena
Engineer Production
Scooter India Ltd.
Sarvodaya Nagar
Lucknow

For information

In the Central Administrative Tribunal at Allahabad,

Circuit Bench, Lucknow.

Case No. _____ of 1988.

BETWEEN

Prem Bahadur Saxena,

A N D

...Applicant.

Union of India & Others.

Annexure A-7.

Respondents.
No. E/P-54/PBS
GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
ORDNANCE EQUIPMENT FACTORY
KANPUR : DATED : 3 /09/87

The Directorate General, Ordnance Factories,
OEF Group of Headquarters,
ESIC Bhawan, Sarvodaya Nagar,
KANPUR.

Sub : Payment of Pro-rata Pension to Shri P.B. Saxena
on permanent absorption in Schoter India Ltd.,
Lucknow sanction for.

Ref : OEF Hqrs. L.No.024/MISC/A/NI, dt:18/8/87.

-X-X-X-X-X-X-

With reference to OEF Hqrs. Letter No. cited above
the following remarks are offered in serialia.

- Para.I. (1) The individual was initially appointed w.e.f.
12/3/64 on regular capacity at Ord. Fy. Kanpur.
- (2) Yes, he had applied through proper channel for
moving to the Public Sector Undertaking.
- (3) He was relieved on the usual terms & condition
as stipulated in M of D L.No.25(58)60/DE Apts/
Pov. dt.26/4/86 (Copy enclosed)
- (4) There appears to have been no agreement regarding
grant of retirement benefits.
- (5) His absorption was not in public interest.
- (6) At the time of release, was holding the
officiating post of Sr. Draughtsman and Quasi
Permanent as "Draughtsman" from retrospective
date (i.e. 2/7/75 Pre-revised Scale of Sr.
Draughtsman was Rs.150-5-175-6-205-7-240 and
revised was Rs.300-530.
- (7) He was appointed as Mechanical Draughtsman in
Schoter India Ltd., Lucknow in time scale of
Rs.330-625.
- (8) Since Pro-rata Pension is admissible in terms
of Rule 37 of CCS (Pension) Rule 1972, this
office did not consider necessary to refer to
C.D.A(P) Allahabad.
- (9) Audit remarks of LAO have already been forwarded
alongwith case vide our letter even No dt.17/7/87.

As records the audit observation of C of A (Fys),
Ganour, indicated in above letter, the following comments
are offered :-

.....2/-

A30

(i) Shri Saxena at the time of joining Scooter India Ltd, was holding the Q.P. status as Orphaned since 1968 vide APK P.O. Pt. II No. 1401 dt. 24/9/71 and not in 1991 as stated by him.

(ii) The lien period of 2 years was further extended up to the date of termination and as such leave salary & Pension contribution in excess of two years has been paid by the individual.

(iii) Under rule No. 37 of CCS(Pension) Rule 72 which reads as under.

A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government shall, if such absorption is declared by the Government to be in the Public interest, be deemed to have retired from service the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected, and from such date as may be determined, in accordance with the orders of the Government applicable to him.

Shri Saxena is entitled for pro-rata Pension and as such he was asked to pay leave salary & Pension Contribution as intimated by C of A (Fys), Calcutta. It is further stated that vide Govt. of India Department of Personnel O.M. No. 28/16/4/76-Sett(c) dt. 25/3/77 the condition for public interest has been set aside and therefore entitlement of Sh. Saxena for pro-rata Pension is considered fully established.

In this connection it may be pointed out that 2 cases of same nature have been reported to be settled in Ord. P. R. No. 1.

It is therefore requested to kindly settle this long outstanding case at the earliest.

Attested true copy.

[Signature]

Copy to.

[Signature]

Advocate (MAHESH GUPTA)
WORKS MANAGER/ADMR.
FOR GENERAL MANAGER

Shri P.D. Saxena
Production Engineer
Scooter India Ltd.
Sarangani Nagar
Lucknow

24.10.88

for information.

Saxena

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. _____ of 1988.

B E T W E E N .

Prem Bahadur Saxena.

...Applicant.

A N D

Union of India & Others.

...Respondent

Annexure A-8.

131

17/2 (85)

SCOOTERS INDIA LIMITED
LUCKNOW

SIL:PER:EST:01119

FEBRUARY 16, 1984

Shri P.B. Saxena
Service No. 01119
Engineer
Jr. Sr. Manager (PE)

17/2/84

A Copy of the letter No. Pay/14/380-A(P)/6 dated 30.1.84 received from the Office of the Defence Accounts (Fys.), Calcutta is forwarded herewith for information and necessary action please.

[Signature]
(C.D. SUGADAN)
PERSONNEL OFFICER (E)

Encl:- as above.

Attested True Copy

[Signature]
Advocate -
24.10.88

[Signature]

A32

Regd

Pay/14/380-A(P)/6
Office of the Controller of Defence
Accounts(Fys.)
9, Chittaranjan Avenue, Calcutta.-12

Date 30.1.84

To

The General Manager
Ord. Equipment Factory
KANPUR

Sub:- Leave Salary and Pension Contribution in respect
of P.B. Saxena, Ex. D/Man.

Ref:- In continuation of this office letter of even no.
dated 16.1.84 in reply to your letter No. E/P-55/
PBS dated 21.11.83.

Cheque No. 785845 dated 25.6.83 for Rs. 3628.90 has been cleared by
R.B.I. Calcutta. A sum of Rs. 10.00(Ten only) has been charged by Bank on
account of Bank Charge Commission which is also payable by the individual.
You are therefore, requested to ask the individual to sent a demand draft
for Rs. 10.00 in favour of C.D.A.(Fys.) Calcutta at the earliest.

Result of action taken for recovery of interest may also please be
intimated.

Sd/-
Accounts Officer(Fys.)
Office of the C of A(Fys.)
9, C.R. Avenue, Cal-72

Copy to

The Personnel Officer(E)
Scooters India Limited
Post Bag No.1
Sarojini Nagar
Lucknow- 226008

for information

with reference to this office letter of even No. dated 21.9.83 in reply to
his No. SIL:PER:ESTT:01119 dated 4.7.83.

Sd/-
Accounts Officer(Fys.)
Office of the C of A(Fys.)
9, C.R. Avenue, Calcutta-72

Attested true copy

D. K. Singh

24.10.88. Advocate

B. Saxena

In the Central Administrative Tribunal at Allahabad.

Circuit Bench, Lucknow.

B E T W E E N

Prem Bahadur Saxena,

APPLICANT.

A N D

Union of India & Others.

Respondents.

Annexure A-9.

Registered

NO. Pay/14/380-A(P) Val-6

Office of the Controller of Defence Accounts (P)
4 Chittaranjan Avenue Calcutta-72

Date 7-5-84

To
The General Manager
Ord. Equipment Factory
KANPUR.

Sub:- Leave Salary and Pension Contribution in respect of
Shri P.B. Saxena, Ex-aman

Ref:- your NO. E/P-55/PBS dated 18.2.84 and 7.3.84.

It has already been intimated to you that the individual has applied for waiver of interest and you were being requested to offer your comments vide this office even No. dated 23-2-84. But without offering your comments, you have forwarded the representation of the individual. Therefore you are requested to submit the proposal for waiver of interest addressed to O.F. Board through this office duly offering your comments for waiver of interest. Meanwhile the individual may please be asked to intimate the No. and date through which he is interested of Leave Salary and Pension Contribution of Shri T.G. Krishnamurthy has been waived off due to non payment of Leave Salary and Pension Contribution in time as mentioned in his representation dated 29.10.83.

Copy to

Shri P.B. Saxena
Engineer Production
Scooter India Ltd.
Lucknow - 226008

Sd/-

Accounts Officer (Pys)
Office of the C. of A. (Pys)
B. C. R. Avenue, Cal-72

for information with reference to his letter dated 17-1-84. As the case has not yet been settled the amount of Leave Credited to his Accounts cannot be sent to M/s Scooter India Ltd. He is also intimated that the case of Shri S.C. Kabror, Ex-Chargeman Ord. Factory-Kanpur as mentioned in his representation dated 8-3-84 has not yet been settled. The case has been sent to O.F. Board for his further action.

Attested True Copy

D. K. Singh

24.10.88.

Accounts Officer (Pys)
Office of the C. of A. (Pys)
B. C. R. Avenue, Cal-72

In the Central Administrative Tribunal, Allahabad.

Circuit Bench, Lucknow.

Case No. _____ of 1988.

B E T W E E N

Prem Bahadur Saxena,

Union of India & Others.

A N D

Commutation

Annexure A-10.

Applicant.

Respondents.

REGISTERED/INSURED FOR RS. 50/- ONLY

FORM NO. G. C. F. 7

Not amount payable

No. GI/C/54/1984/xxx

Office of the Controller of

Defence Accounts (Pensions)

Allahabad Dated

The General Manager,

Ord. Factory,

KANPUR

Sub: Payment of pension/Gratuity in respect of Shri/Smt. S.C. Kapoor.

In continuation of our even No. _____ Dated _____

Your No.

Dated _____

(i) Corrigendum P. P. O. No. _____
(Original and quadruplicate)

(ii) Service documents

(iii) Name of the P. D. O.

TO Lucknow

The documents mentioned in the margin are forwarded

herewith for Necessary check as per para 2 of our memo cited above and transmission of the original P.P.O. to the P.D.O. with intimation to the pensioner

Please acknowledge receipt.

REGISTERED/ACK. DUE _____
copy to _____ SECTION OFFICER (ACCOUNTS)

Shri/Smt. S.C. Kapoor. Asst Engineer

S.No. = 02235 Scooter India Ltd Lucknow

He/She has been granted the following pensionary award/commuted Value of pension. He/She is requested to contact P. D. O. after receipt of the intimation from Head of the Office regarding the transmission of his/her pension/ Commutation papers to the P. D. O. and address all further correspondence on the subject to the Head Office.

(i) Pension Rs. _____ P. M. _____ W. C. _____

(ii) Death-Cum-Retirement Gratuity Rs. _____

Gross Amount.

Less (i) Demand.

(i) Amount already authorised

Vide prov P. P. O.

TOTAL

Rs 6045-20

Attested true copy

D. B. Singh

24.10.88. Advocate

FORM NO. G. C. F.

Amount payable :—Rs.

No. G. C. F. 12/10/88

Pension Certificate

(i) FAMILY PENSION

(i) Enhanced rate Rs.

(ii) Normal rate Rs.

NOTE:—Relief on pension is also payable as admissible from time to time

(i) Commutation of Pension.

(i) Amount of pension commuted Rs.

(ii) Capitalised Value of Commuted portion of pension Rs.

(iii) Reduced rate of pension after commutation, Rs.

NOTE:—Suitable endorsement regarding reduction of pension as a result of commutation may please be got made on the Pension Certificate under the signature of the P. D. O.

SECTION OFFICER (ACCOUNTS)
 H. S. D. has been granted the following pensionary award/commutation of pension. He/she is requested to contact P. D. O. after receipt of the transmission of his/her pension certificate and the transmission of his/her pension certificate.

your application
 dt 10-12-85, 21-12-85 for full commutation of pension could not be decided to as you have intended to commute 1/3rd only, as per Govt sanction dt 19-3-85

JATOT

Attested True copy

D. P. Singh

24.10.88. Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW, (A36)

Case No. of 1988.

Prem Bahadur Saxena.....Applicant.

V/S.

Union of India and othersCorrespondents

APPLICATION FOR PREMISSION TO APPOINT THE ADVOCATE TO CONDUCT
THE AFORESAID CASE.

The humble submission of the applicant is as follows:-

1. That in the aforesaid case, the applicant has engaged Sh-i D.K.Raizada, Advocate to conduct the aforesaid case.
2. That the applicant being a layman is not acquainted with the legal complication of the aforesaid case and as such it is not possible for him to conduct the aforesaid case himself.
3. That in view of the aforesaid facts and reasons, it is necessary that the applicant may kindly be permitted to appoint the aforesaid said Sh-i D.K.Raizada to conduct the aforesaid case on his behalf in this Hon'ble Tribunal.

Contd.....2/-

BSANZ

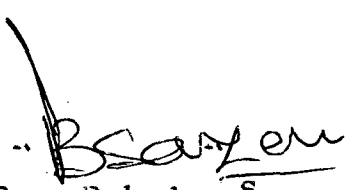
- 2 -

(A 37)

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal pleased to permit the applicant to appoint Shri D.K. Raizada, Advocate, as his counsel to conduct the aforesaid case on his behalf.

Lucknow.

Dt/- 24 -10-1988


(Prem Bahadur Saxena)
APPLICANT.

A38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW

Case No. of 1988.

Prem Bahadur Saxena Applicant.

V E R S U S

Union of India and others.....Correspondents.

APPLICATION ON BEHALF OF THE APPLICANT FOR ADMISSION AND
AND HEARING OF THE AFORESAID CASE AT LUCKNOW CIRCUIT BENCH
OF THE TRIBUNAL.

The humble submission of the applicant is as follows:-

1. That the applicant permanently resides at Lucknow and he is also working as Engineer (Production) in Scooters India Ltd., Lucknow for which it would be convenient for the applicant to do Pairvi of the aforesaid case at Lucknow Circuit Bench Lucknow.
2. That besides this, it would also put the applicant to heavy expenditure if the aforesaid case is admitted and heard at Allahabad.
3. That in view of the aforesaid ~~case~~ facts and reasons, it is necessary that the aforesaid ~~was~~ petition be admitted and heard at Circuit Bench of the Tribunal at Lucknow.

Contd.....2/-

A39

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal be pleased to ^{admit} ~~permit~~ and heard the aforesaid ~~with~~ petition at Lucknow Circuit Bench of the Tribunal.

Lucknow.

Dt/- 24-10-1988

K. Raizada 24.10.88
 D. K. Raizada)
 Advocate
 Counsel for the Applicant
 Applicant.

ब अदालत श्रीमान

Chief Administration Tribunal, at Alod, 28.

[ब्राके] अपीलान्ट

Arant Barch, Muzoon

श्री

P.B. Sanyal

का वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्ट)

Alu

वनाभिमर्मा — प्रतिवादी (रेस्पान्डेन्ट)

Union of India

मुकद्दमा नं०

सन्

पेशी की ता० 24.10.1988 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

D.K. Rautzade, Advocate

वकील

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं० नाम
फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा छगन मुकद्दमा अदम पैरवी में एक तर्क मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

Accepted

D.K. Rautzade

24.10.88.

Accepted

D.K. Rautzade

24.10.88.

Advocate

हस्ताक्षर

Sanyal

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

24

महीना

10

सन् 1988 ई०

Filed 12/11/88
L
24/11

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. _____ of 1988.

District: Lucknow.

C.M.An. NO 21-A/88(L)

on
G.A. No 191/88(L)

(Ahl)

B E T W E E N

Prem Bahadur Saxena, aged about 47 years, son of Sri
Shamsher Bahadur Sinha, resident of L-41 Sector D, L.D.A.
Colony, Kanpur Road, Lucknow.

..... Applicant.

AND

- 1- Union of India, through the Secretary Ministry
of Defence Production, South Block, Central Secretariate
New Delhi.
- 2- Chairman Ordnance Factory,
10, A Anekland Road, Calcutta.
- 3- General Manager, Ordnance Equipments Factory,
Kanpur.
- 4- Scooters India Limited, Sarojini Nagar, Lucknow,
through its Executive Director.

.... Opposite Parties.

Application for permission to file certain
important papers in connection with the
aforesaid case.

B. Saxena

(A42)

The humble submission of the applicant is as under:-

- 1) That the aforesaid case was listed for admission on 27.10.1988.
- 2) That at the time of the admission of the petition, the counsel for the applicant considered necessary to file the representations made by the applicant to the Opposite party Nos. 2 and 3 and for which this Hon'ble Court granted time to file the same by 21.11.1988.
- 3) That to-day the applicant is filing herewith his representations regarding the Terminal benefits to the Opposite-party no.2 and 3 alongwith the order dated 18.2.1982 of the ordnance equipment Factory Kanpur, by means of which the applicant was confirmed (Permanent w.e.f. 2.7.1975 being eligible for terminal benefits of Pension and Gratuity etc.) and other correspondence between the applicant and Opposite-parties No.2 and 3.
- 4) That inspite of the facts that the applicant's Permanency has been declared and he has been confirmed in the ordnance and equipment factory Kanpur, on the post of Draftsman and since his confirmation on the said post he is now eligible for the terminal benefits of pension and gratuity etc. from the Opposite-party no.3.

BEVER

AU3

3-

5- That the applicant has represented this case also to Opposite-party no. 2 and 3, and the Opposite party no.3 has also recommended to the Opposite party no.1 for early payment of the terminal benefits of the applicant but so far the Opposite-party 1 has not ordered for the payment of Terminal benefits of pension and gratuity of which the applicant is entitled.

6- That the applicant is filing the representations which he made to the Opposite-parties no.2 and 3, correspondence regarding the permanency of the applicant on the ordnance factory Kanpur, as well as his order confirmation dated 18.2.1982 *and his representations to the O.P.s no. 2 & 3 for payment of terminal benefits of the ordnance Factory Kanpur for the kind* perusal of this Hon'ble Tribunal, alongwith index, which is attached to this application.

Wherefore it is most respectfully prayed that this Hon'ble ~~Saxena~~ Tribunal be pleased to take the aforesaid documents, as narrated in the accompanying index on records.

Lucknow:

Dated: 21.11.1988.

P. B. Saxena
(P.B. Saxena)
Applicant.

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. _____ of 1988.

B E T W E E N .

Prem Bahadur Saxena.

...Applicant.

AND . ~~RESPONDENT~~ ✓

Union of India & Others.

...Respondents.

I N D E X .

<u>Sl. No.</u>	<u>Description of Documents.</u>	<u>Page No.</u>
1.	<u>Annexure - A-11</u> True Copy of the Letter dated 11.9.80 of the Applicant to the Respondent No.3 regarding Declaration of Permanency.	1.
2.	<u>Annexure - A-12.</u> True Copy of the Letter dated 20.12.80 of the Applicant to the Respondent No.3 regarding Declaration of Permanency.	2.
3.	<u>Annexure-A-13.</u> True Copy of the Order dated 18.2.82 of the Respondent No.3 regarding the Permanency of the Applicant.	3 & 4.
4.	<u>Annexure-14.</u> True Copy of the Representation dated 8.1.1981 of the applicant to the Respondent No.2.	5 & 6.
5.	<u>Annexure-A-15.</u> True Copy of the Representation dated 7.6.1982 by the Applicant to the Respondent No.1.	7.
6.	<u>Annexure-A-16.</u> True Copy of the Representation dated 29.3.1982 of the Applicant to the Respondent No.3.	8.
7.	<u>Annexure-A-17.</u> True Copy of the Letter dated 21.2.1984 by the Applicant to the Respondent No.2 regarding the payment of the Leave Salary and Pension Contribution.	9.
8.		

Co-ntd...2.

BSaxena

gus

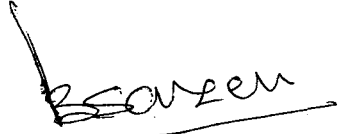
Sl. No.	Description of Documents.	Page No.
---------	---------------------------	----------

8.	<u>Annexure - A-18.</u>	
----	-------------------------	--

True Copy of the Letter dated 2.12.1985
by the Respondent No.3 to the Respondent
No.2 regarding the sanction of the Pro-
rata Pension to the Applicant.

10.

Lucknow, dated;
21.11.1981.


(Prem Bahadur Saxena)

Applicant.

1.
In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. _____ of 1983.

B E T W E E N .

Prem Bahadur Saxena.

...Applicant.

AND.
The General Manager, Union of India & Others. ...Respondents.
Ordnance Equipment Factory, Annexure A-11.
Kanpur.

Sub: Declaration of Permanency.

Ref: Your letter no. E/P-20-A-E dated 25-7-80

(Kind attention - Mr. O.P. Mehrotra,
General Manager.)

Sir:

With reference to your above letter I did not hear
anything about my permanency as considerable time
has passed.

I therefore request your honour to look into the
matter and let me know the present position at your
earliest.

Thanking you,

Yours faithfully,

PSaxena
(P.B. SAXENA)
Asstt. Engineer
R&D Section
Scooters India Ltd,
Lucknow.

Lucknow,
Dt. 11-9-80

Attached time copy

D. Prasad

21.11.88.

Advocate

PSaxena

Case No. _____ of 1988.

B E T W E E N .

Prem Bahadur Saxena.

...Applicant.

AND
Union of India & Others.

...Respondents.

The General Manager,
Ordnance Equipment Factory,
Kanpur.

Annexure A-12.

(A47)

Sub: Declaration of Permanency

Ref: Your letter no.E/P-20-A-E dated 23rd Sept.80

Kind attention - Mr. O.P. Mehrotra
General Manager

Sir:

With reference to your above letter I did not hear anything
about my permanency as considerable time has passed.

I therefore request your honour to look into the
matter and let me know the present position at your
earliest.

Thanking you,

Yours faithfully,

P.B. Saxena
(P.B. Saxena)
Asstt. Engineer
R&D Section
Scooters India Ltd,
Lucknow

✓
Lucknow

14-11-80

20.12.80

P.B. Saxena

Attested true copy
D. K. Jais
21.11.88. *Adhikari*

Union of India & Others. आरट Annexure A-13.

Case No. of 1938 श्री जो0 जो0 मेहेरोत्रा, भा0आ0 फे0 से, महा प्रबन्धक ।

दिनांक: 18 फरवरी, 1982.

and

संख्या: 380 विषय:- अनौद्योगिक अधिकारी-सर्वश्री पी0वी0 सक्सेना और एस0 श्रीवास्त
मुकुन्दराफ्टमैन जी गैरहाजिरी में पुष्टिकरण.

आर्देन्त फेदरी बोर्ड अकतता ने निम्नलिखित व्यक्तियों के नामों को दोबारा
जॉब को है और उनके नाम के सामने उल्लिखित तारोंओं से वे ड्राफ्टमैन के ग्रेड में पुष्टि के लिए
योग्य पाये गए हैं ।

प्राप्त नाम पदनाम और फेदरी-	से	में	तारीख	अभ्युक्तिता
1- श्री प्रेम बहादुर सक्सेना, भा0आ0 लि0 ड्राफ्टमैन, जो0 3-7-78 को त्वांगित्र दिया और उन्हें मेसर्स सुन्दर इन्डिया लि0 जेनक, में सौंपा गया ।	जु0वी0 मैलिक	एवं स्थायी	2-7-75	अवकाश प्राप्त श्री जो0 एस0 अद्वैत के स्थान पर
2- श्री सुभाष जी श्रीवास्तव, भा0आ0 लि0 ड्राफ्टमैन, जो0 11-8-76 को त्वांगित्र दिया और उन्हें मेसर्स सुन्दर इन्डिया लि0 जेनक में सौंपा गया ।	जु0वी0 मैलिक एवं स्थायी ड्राफ्टमैन	एवं स्थायी	2-7-75	अवकाश प्राप्त श्री बी0सी सेन गुप्ता के स्थान पर

॥ प्राधेकार:- आर्देन्त फेदरी बोर्ड अकतता का दिनांक 18-12-81 का पत्र सं 600/ए/एस0
जि0 3॥

संख्या: 381 विषय:- अनौद्योगिक अधिकारी ॥ सुभाष जी0 ॥ आर्देन्त सेवा की समाप्ति .

एतद् द्वारा श्री सभाजीतरिंह अवर ग्रेणो लिपिक/पी0वी0 अनुभाग को सेवाये दिनांक -
1-2-82 ॥ अवरान्ड ॥ से समाप्त की जाती है । और श्री सभाजीत रिंह का नाम इस फेदरी को
संख्या ५५ से उसी तिथि से काट दिया गया है ।

॥ केस सं ३०/३०-३७ ॥ गोपनीय ॥

संख्या: 382 विषय:- अनौद्योगिक अधिकारी ॥ सुभाष जी0 ॥ आर्देन्त आधार पर नियुक्ति .

एतद् द्वारा श्री सभाजीत रिंह की नियुक्ति इस फेदरी में अवर ग्रेणो लिपिक के पद पर
रु० 280/- प्रति माह पर दिनांक 3-2-82 से आर्देन्त आधार पर की जाती जो कि 89 दिनों
से अधिक के लिये नहीं है । श्री सभाजीत रिंह को पी0वी0 अनुभाग में नियुक्त किया गया है ।

॥ केस सं ३०/३०-३७ ॥ गोपनीय ॥

संख्या: 383 विषय:- अनौद्योगिक अधिकारी ॥ सुभाष जी0 ॥ आर्देन्त सेवा की समाप्ति ।

एतद् द्वारा श्री राजेन्द्र प्रताप तिवारी, अवर ग्रेणो लिपिक, एस0 सी0 जो0 अनुभाग की
आर्देन्त सेवाये दिनांक 2-2-82 ॥ अवरान्ड ॥ से समाप्त की जाती है और श्री राजेन्द्र प्रताप
तिवारी का नाम इस फेदरी क संख्या ५५ से उसी तिथि से काट दिया गया है ।

॥ केस सं ३०/३०-३७ ॥ गोपनीय ॥

संख्या: 384 विषय:- अनौद्योगिक अधिकारी ॥ सुभाष जी0 ॥ आर्देन्त आधार पर नियुक्ति ।

एतद् द्वारा श्री राजेन्द्र प्रताप तिवारी को नियुक्ति इस फेदरी में अवर ग्रेणो लिपिक
के पद पर रु० 260/- प्रति माह पर दिनांक 4-2-82 से आर्देन्त आधार पर की जाती है जो
कि 89 दिनों से अधिक के लिये नहीं है । श्री राजेन्द्र प्रताप तिवारी को एस0 सी0 जो0 अनुभाग
में नियुक्त किया गया है ।

॥ केस सं ३०/३०-३७ ॥ गोपनीय ॥

जी० पी०

मुन्नु लाल
प्रबन्धक/प्रशासन
श्री महा प्रबन्धक

दिनांक: १४ फरवरी, १९४२.

विषय:- नवी भार्ती पाण्डित ग्रेड।। स्तोत्रटीका 72 सप्ताहों का इन, पञ्चान.
प्रशिक्षक त्वरिग पत्र की स्वीकृति .

तद्वर्ष:- कैबरेरी आदेश भाग-11 सं०, 2415 दिनांक 20-10-01.

श्री तमन कुमार देव, जस्यावी पार्जन मेडा।। श्लो०डी०॥ द्वारा प्रस्तुत त्याग पत्र दिनांक 4-12-31
 ॥पूर्वार्द्ध॥ से स्वीकार कर लिया गया है तथा उनका नाम इस फैक्टरी में डोने वाले प्रतिष्ठान -
 कार्यरत से उली तौर से गट / हटा दिया गया है।

॥ ज्ञा० सं० ई०/१७-८०/बोपनीय ॥

विषयः - अनैद्योगिक जायारी-अंतर्जुभागीय स्थानान्तरण ।

निम्नलिखित स्थानान्तरण दिनांक 29-1-92 से जारी किए जायेंगे हैं।

५. अत्र

三

3 दिव

- | | | | |
|---------------------------|----------|-----------------|--------------|
| 1- श्री जंजी गज, 80/सीएसओ | स्थीपर - | उम्माइन्ड अस्थी | गार्ड रोकथाम |
| 2- " सुरेश, 87/सीएसओ | " | " | " |
| 3- " श्रीराम, 89/सीएसओ | " | " | " |
| 4- " बंगरु, 78/सीएसओ | " | " | " |
| 5- " मेडावीर सिंह/2सीएसओ | " | " | " |

क्र.सं. ई०/टी०-76 गोपनीय

विषय:- अनौद्योगिक परिवारों के ग्रुप सी 01 की आर्थिक सेवा की समीक्षा ।

इसके द्वारा श्री उमा शंकर विद्यावर्मा, जवर श्रेणी लालिच/समाजकी ७७०३ अनुभाग की जापॉलिफ लेपाये दिनांक 4-2-82 को जवाब में जवाब की जाती है और श्री उमा शंकर विद्यावर्मा का नाम इस फैक्टरी के संबन्धित से उतरी लाय से काट दिया गया है ।

॥ जेष्ठ शु. ३०-३३३७॥ गोपनीय ॥

विषय:- जनौद्योगिक कार्खाना निम्न सीमेंट को आजीविका आधार पर निर्धारित

एतद् द्वारा श्री उमा शंकर विश्वकर्मा कि निम्नोक्त इत पैकटरी में अगर प्रेमी लिपि में पद पर रु० 250/- प्रति माह पर इनको 5-2-82 से जाफोला आचार पर की जाती है जो कि 89 दिनों से अधिक के लिये नहीं है । श्री उमा शंकर विश्वकर्मा को साठ तीजों अनुभाग में निम्नोक्त किया गया है ।

श्रेष्ठ सं० ई०/ई०-३७ गोपनीय

ਭੀ ੩ ਖੀ੩

51-84030

Om

ॐ पुनः चत्वारि ॥

पुष्पन्धन/पुष्पासन

श्री गुरुभ्यो नमः

Attached true copy

Debra Zade

Advocate

21.11.88.

In the Central Administrative Tribunal at Allahabad, 5.
Circuit Bench, Lucknow.

Case No. _____ of 1988.

From :

B E T W E E N .

✓ P.B.Saxena,
Asstt. Engineer Prem Bahadur Saxena. ... Applicant.
R. & D. Section, AND.
Scooters India Limited., Union of India & Others.. Respondents.
P.O. Sarojini Nagar,
Lucknow 226 008 Annexure. A-14.

To :

The D.G.O.F.
6, Esplanade East,
Calcutta

Sub: Declaration of Permanancy in respect
of Shri P.B.Saxena, Ex.Sr.D'man, O.E.Factory,
Kanpur.

Sir,

✓ I was working as Sr D'man Drg.Office O.E.Factory, Kanpur and was selected as Sr D'man in Scooters India Limited., Lucknow. I joined M/s Scooters India Limited., on 25th Jan'74 as I was holding O.P.Post. I was allowed to retain lien for two years. I resigned after the expiry of lien period and the resignation was accepted w.e.f. 11-8-1976 and was absorbed in Public Interest in Scooters India Limited., Lucknow.

As I had completed more than 10 years of service in Ordnance Factories. I applied for terminal benefits of pension and gratuity. My request for gratuity and pension was turned down on the ground that I was not declared permanent and as such I am not entitled for terminal benefits.

△ In this context I may intimate for your kind information and further consideration that Shri G.D.Pandey, Sr D'man who was junior to me has been declared permanent w.e.f. 1-4-1971 vide D.G.O.F. letter No.608/A/NIE (3) dated 4-5-1978. Had I continued in the services of Ordnance Factories, I must have also been declared permanent w.e.f. 1-4-1971 or prior to that as I worked in Ordnance Factories upto January 1974 and finally resigned on 11-8-1976. My case regarding permanancy could not be considered as I was not at the strength of the Ordnance Factories on the date when D.G.O.F. letter regarding permanancy was initiated. Thus I am being deprived of Pensionary benefits without any fault of mine.

I had appealed to your honour for declaring me permanent through General Manager, O.E.Factory, Kanpur letter No. E/P-20/A.E. dt 19-10-79 and I was very much hopeful that all the justice will be done to me.

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ASI

I regret to bring to your kind notice that I have now been informed through Mr V.Krishnan, Chairman and Managing Director, Scooters India Limited., Lucknow that my request has again been turned down by D.O.letter No.608/A/NI(3) dated 25th August,80 from Shri O.P.Bahl, Member(Personnel) Ordnance Factory Board.

Since my junior havebeen declared permanent from retrospective effect w.e.f.1-4-1971 it is a great injustice done to me if I am not declared permanent from the date when I actually served the Organisation upto January'1974 ~~and remained on~~ ~~performa~~ strength upto January 1974 and remained on performa strength upto 11-8-1976.

I therefore request your honour to kindly reconsider my case sympathetically and declare me permanent w.e.f.1-4-1971 and let me know the amount of leave salary and pension contribution so that I can remit it.

Thanking you,

Yours faithfully,

Dr
D.I.OI

P.Saxena
(P.H.SAXENA)

Attached True Copy

D. Mehta

21.11.88. Advoca.

P.Saxena

Case No. _____ of 1982.

B E T W E E N .

To Prem Bahadur Saxena.

...Applicant.

The Secretary, AND Union of India & Others... Respondents.
Ministry of Defence,
Department of Defence Production,
(D.G.O.F. Cell),
'G' Block,
NEW DELHI.

Annexure A-15.

Subject:- Issue of Govt. Order for grant of Terminal benefits consequent upon resignation from Ordnance Equipment Factory, Kanpur, and permanent description in Scooters India Ltd., Lucknow, A Govt. of India Enterprise.

Sir,

I submit the following particulars for your kind perusal.

I was in continuous services in the Indian Ordnance Factories since 12.3.64 and while working as Sr. D'Man, I was released from Ordnance Equipment Factory, Kanpur, on 24.1.74 and joined M/s Scooters India Limited, Lucknow, A Govt. of India Enterprise. Having retained a lien on my parent post for two years as per rules. Finally I resigned from my parent department/post on 11.8.76 and got permanently absorbed in Public Interest in Scooters India Limited (O.E. Fy. Pt. II No. 2585 dated 30.11.76).

These orders are customary in accordance with Ministry of Finance (Deptt. of Expenditure office Memorandum No. 26(18)-E-V(B)75 dated 8.4.76 and other relevant rules, signed in INK and spelling out categorically all the terms and conditions of the terminal benefits I am entitled for.

The Ministry of Defence is requested to release the necessary orders at the earliest for settlement of my terminal benefits with copies forwarded to all concerned. The copies forwarded to the authorities like C.D.A.(Fy), Calcutta, C.D.A.(Pension), Allahabad etc. should invariably be signed in INK.

Thanking you,

Yours faithfully,

BSaxena

(P.B. SAXENA)

ENGINEER (PRODN. ENGG.)
Scooters India Limited,
Sarojininagar P.O.,
Lucknow - 226008. (UP)

21.11.88.

June 7, 1982.

- Ex. Sr.D'Man,
Ordnance Equipment Factory,
Kanpur. (UP)

In the Central Administrative Tribunal at Allahabad, 8.
Circuit Bench, Lucknow.

Case no. of 1988.

To

B. R. T. E. E. M.

Prem Bohadur Saxena.

... Applicant.

The General Manager,
Ordnance Equipments Factory, AND Union of India & Others.. Respondents
KANPUR.

Annexure A-131

Subject:- Terminal benefits of Pension and Gratuity.

Reference:- Letter No. E/P-20-A-E dated March 8, 1982.

Kind Attention - Sri O.P. Mehrotra, General Manager.

Respected Sir,

With reference to your above mentioned letter in which I am declared permanent w.e.f. 2nd July, 1975, I request your honour to expedite the papers of Pension and Gratuity and let me know the leave salary and pension contribution at the earliest.

Thanking you,

Yours faithfully,

B. Saxena

March 29, 1982.

(P.B. SAXENA)
ASSTT. ENGINEER
PRODUCTION ENGG. DEPTT.

Address:- Scooters India Limited,
Post Box No. 1,
Sarojini Nagar P.O.,
Lucknow - 226008. (UP)

Attested True copy

D. P. Saxena

21.11.88.

Advocate

B. Saxena

9.
In the Central Administrative Tribunal at Allahabad.

Circuit Bench, Lucknow.

Prem Bahadur Saxena,

Case No. _____ of 1988

Vs.

Union of India & Others.

21st February, 1984.

So

Annexure-A.17.

C of A(fys),
Calcutta.
9, C.R. Avenue.

754

Subject : Leave salary and Pension Contribution.

Reference : Your letter No. Pay/14/380-A(P)/6
dated 30th January, 1984.

THROUGH PROPER CHANNEL

Sir,

Please find enclosed a draft of Rs. Ten only as required
in the above referred letter against the Bank Charges
for encashment of Cheque No. 785845 dated 25.6.83 for
Rs. 5,628-90 as Leave Salary and Pension Contribution.

Thanking you,

Yours faithfully,

BSaxena
(P.B. SAXENA)

Encl : Bank Draft No. OT/82/P600393/10/4.

copy to:

General Manager,
C.S. Fy.,
Kanpur.

- for kind information please.

Attested true copy

D. Parizade

21.11.88.

Advocate

BSaxena

31 FEB 1985

Case No. _____ of 1988.

Prem Bahadur Saxena.

AND

Union of India & Others.

No.E/P-55/PES

GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

ORDNANCE EQUIPMENT FACTORY

KANPUR.

DATED : 2/12/1985.

To,

Annexure.A-18.

The Secretary,
Ordnance Factory Board,
10-A, Auckland Road,
CALCUTTA-1.

Sub : Permanent absorption of Shri P.B. Saxena,
Ex-Draftsman, O.E.F. in Public Sector under-
takings - sanction of Pro-rata Pension.

Ref : O.F. Board Letter No.180/DEF/A/NI,dt.7/10/85.

In this connection, it is stated that though the case of Shri P.B. Saxena for grant of pro-rata Pension was referred to Addl. DGOF earlier but considering the fact that his case for waiver of interest on Pension contribution is already with O.F. Board, it was referred to you to avoid delay in the matter.

The O.F. Board is, therefore, requested again to kindly take necessary action in the matter at the earliest.

(MAHESH GUPTA)
WORKS MANAGER/BEMN
FOR GENERAL MANAGER

Copy to -

Shri P.B. Saxena
Production Engineer
Deerster Inhab. Ltd.
Jasojini Nagar
Lucknow

For information.

Attested True copy

Dharmendra

21.11.88.

Adroet

136

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

CIVIL MISC. APPLICATION NO. _____ OF 1909

ON BEHALF OF

UNION OF INDIA & OTHERS

.RESPONDENTS

IN

REGISTRATION OA NO. 191 of 1900 (L)

Prca Bahadur Saxena

.Applicant

Versus

Union of India & others.

.Respondents.

To

The Hon'ble The Vice Chairman and H

Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed

MOST RESPECTFULLY STATES :

1- That in view of facts and circumstances stated in the accompanying counter affidavit, &c & in the interest of justice that the relief prayed by the petitioner is rejected by this Hon'ble Tribunal, otherwise respondents would suffer

Filed today
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16/11

I enclose hereto to set
aside & counter affidavit
by Respondent to be
petitioner
16/8/88

2/


2.

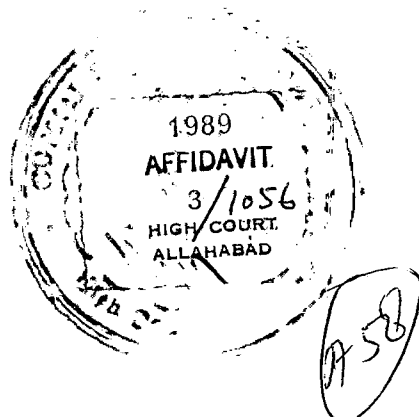
irreparable loss.

P_R_A_Y_E_R

WHEREFORE, this Hon'ble Tribunal may kindly be pleased to reject the relief proffered by the petitioner, otherwise respondents would suffer irreparable loss.

Dt/-August 16/1909.


(K.C. SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENTS

IN

REGISTRATION OA NO.191 of 1980

From Bahadur Saxena.

Applicant

Versus

Union of India & others.

Respondents.

Affidavit of Sri Mahesh Gupta
aged about 32 years, s/o Sri T.C. Gupta
posted as Works Manager/Admin
in Ordnance Equipment Factory, Kanpur.
Mahesh Gupta
(Deponent).

I, the deponent abovesaid do hereby
solemnly affirm and state on oath as under :

1- That the deponent is Works Manager/Admin.
in Ordnance Equipment Factory, Kanpur and has been
deputed to file this counter affidavit on behalf of



respondents and is well acquainted with the facts deposed to below.

2- That the deponent has read the petition and has understood the contents therein and is in a position to reply the same.

3- That before giving parawise reply, the following facts are ascertained in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner, while functioning as Senior Draftsman under the control of the General Manager, Ordnance Equipment Factory, has applied for employment in Scooter's India Ltd., Lucknow on response to a ^{Press} ~~free~~ advertisement and on being selected the petitioner joined in Scooter's India Ltd., Lucknow on 10th January 1934, retaining the lien for two years as per Rule.

b/- That on expiry of lien period, the petitioner was permanently absorbed on public interest in Scooter's India Ltd., Lucknow and resigned from service from the Ordnance Equipment Factory, Kanpur.

3.

A60

c/- That the petitioner was holding quasi-permanent post, then he was posted in Scooter's India Ltd. and he was declared substantive and permanent w.o.f. 2nd July 1975 based on the seniority maintained by the Chairman Ordnance Factory Board, Calcutta.

d/- That the petitioner became eligible for terminal benefits after being declared substantive and permanent.

e/- That the petitioner was asked to make payment of leave salary and pension contribution as per the Rules. The petitioner did not pay said leave salary and pension contribution and a lot of time was involved in making correspondence and finalisation of pension papers.

f/- That the action is being taken for payment of terminal benefits.

4- That the contents of paragraphs 1 and 2 of the petition being matter of record, need no comments and what is not born on record, is denied.

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5- That in reply to contents of paragraph 3 of the petition, it is submitted that the petition filed by the petitioner for payment of terminal benefit is pre-mature. The Government and the Authority responsible for payment of terminal benefits never issued any order regarding non-payment of terminal benefits to the petitioner. In fact the petitioner is entitled for terminal benefits after his being declared substantive and permanent and also on his permanent absorption in the sector's India Ltd., on completion of lica period. It is further submitted that annexures filed by the petitioner would go to show that the authority responsible for payment of terminal benefit never denied for the same, but processed his case for obtaining necessary sanction of the President of India as per Central Civil Services (Pension) Rules, 197 applicable to the persons joining foreign service. The present petition moved by the petitioner is not maintainable since no cause of action has arisen in the case of petitioner and the same is liable to be dismissed at the admission stage.



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6- That the contents of paragraphs 4 and 5 of the petition need no comments. However, it is

A62

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reiterated that the grievance of the petitioner, for which he wants redressal is being settled by the respondents. Hence the petition is not maintainable and is liable to be dismissed.

7- That the contents of paragraph 6(1) of the petition are admitted to the extent that the petitioner is at present working in Secotar's India Ltd., Lucknow.

8- That the contents of paragraph 6(2) of the petition are not disputed. The applicant, while working in Ordnance Equipment Factory as Senior Draft Man, had applied in Secotar India Ltd., Lucknow in response to an advertisement. On his being selected, there, he was released from the Factory to report Secotar India Ltd., retaining two years' lien and on his being permanently absorbed there, he had resigned from service.

9- That the contents of paragraph 6(3) of the application are admitted to the extent that the petitioner was declared permanent during 1981 v.o.f. 2nd July 1975 according to seniority and availability of the Post. The averment of the petitioner that he

AB3

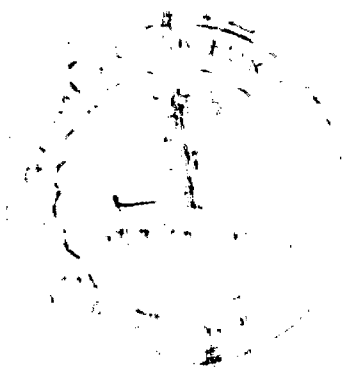
6.

was eligible Gobad declared permanent v.e.f.1.4.71 is not tenable since permanency is maintained according to seniority and availability of post. The allegation that the petitioner was denied terminal benefits is not correct. The petitioner was not holding any substantive and permanent post prior to his joining foreign employment. As already stated above, the petitioner was declared permanent during 1901 v.e.f. 2.7.75 and after his being declared substantive and permanent, he was eligible for pension and gratuity for which action has already been taken for payment of terminal benefits. Before any action could be taken to process the pension papers, it was essential to make payment of leave salary and pension contribution either by the petitioner or the department, in which he had joined in service. The Scooter India Ltd, Lucknow was asked to pay leave salary and pension contribution as per Rule, but advised that the same may be recovered from the petitioner. Thereafter, the petitioner was asked to make payment of the same. A considerable time was lapsed in correspondence and due to above reasons, which were beyond control, delay has been occurred in finalisation of pension and gratuity payable to the petitioner.

A64

10- That the contents of paragraphs 6(4) and 6(5) of the petition are admitted to the extent that the petitioner had applied for payment of terminal benefits and he was asked to pay leave salary and pension contribution calculated by the Controller of Accounts, as required under Rule, since the Department in which the petitioner now belongs, has declined to make such payment. The petitioner has made payment of the same except interest due to delayed payment of leave salary and pension benefits.

11- That the contents of paragraph 6(6) of the petition are not correct and as such are denied. The interest on delay payment of leave salary and pension contribution is chargeable under Rule before making terminal benefits. Accordingly interest payable was calculated and intimated to the petitioner for early payment before finalisation of pension papers. The petitioner, instead of making payment, has applied for waiver of interest and his request has been forwarded to the appropriate authority for waiver of interest, which is under consideration by the Government. It is further submitted that the Government may or may not waive the interest as requested by the



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petitioner. The pension papers could not be processed further due to non-payment of interest chargeable under Rule and terminal benefits are held up for want of same.

12- That in reply to contents of paragraph 6(7) of the petition it is submitted that action has already been taken for payment of terminal benefits after his being eligible for such benefits. The petition of the petitioner for waiver of interest has been forwarded to the Government and the decision of the Government is still awaited.

13- That the contents of paragraph 6(8) of the petition are not correct and as such are denied. The contention of the petitioner that he is being harassed and denied terminal benefit, ~~is~~ is not correct and is contrary to that ^{what} ~~but~~ he has averred in para 7 of the petition itself. The petitioner has averred that the Department is agreeable for making terminal benefits. No harassment and injustice has been caused to the petitioner as alleged. As already stated in foregoing paras that the petitioner is eligible for terminal benefits for which action has already been taken. However, the present petition filed by the



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petitioner is premature as no cause of action has arisen and the petition is liable to be dismissed on this ground alone.

14- That the contents of paragraph 6(9) of the petition are not correct and as such are denied. It is submitted that as the petitioner, after his being declared permanent, was eligible for terminal benefits and on his being eligible follow-up action has been taken for payment of terminal benefits. As soon as formal orders for payment of terminal benefits and case of petitioner regarding waiver of interest are decided by the higher authorities, the grievance of the petitioner for which he sought shelter of this Hon'ble Tribunal will automatically be settled. The higher authorities are being regularly chased for early decision in the matter.

15- That in reply to contents of paragraphs 6(10) and 6(11) of the petition, it is submitted that petitioner is entitled for terminal benefits and in fact the petitioner should have not made such grievance, which is not disputed.

16- That in reply to contents of paragraph 7

10.

of the petition, it is submitted that after becoming eligible for terminal benefits follow up action has already been taken and formal sanction of Government is awaited. Further the respondent never denied for payment of terminal benefits as already admitted by the petitioner itself in paragraph under reply. In fact the petitioner had no grievance which requires interference by this Hon'ble Tribunal. As regards waiver of interest, the case of the petitioner has been taken up. The answering respondent craves to submit that he has no knowledge about the case of Shri S.C. Kappor and others in which interest has been waived of as alleged by the petitioner. Moreover this has no relevance.

17- That the contents of para 8 of the petition need no comment.



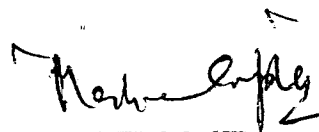
10- That in reply to contents of paragraph 9 of the petition, it is submitted that petitioner is entitled only for terminal benefits, i.e. pension and gratuity for which follow up action has been taken after his being declared permanent and depositing leave salary and pension contribution by the petitioner. The petitioner is not entitled for leave

11.

encashment as per Central Civil Services (Pension) Rules, 1972. The amount of leave encashment if any, will be credited to that Department, in which the petitioner now belongs in accordance with the Rules, and as such the petitioner is not entitled for relief of leave encashment. Any how the case of the petitioner is premature and his grievance is being settled and the petition is liable to be dismissed as the case of petitioner is premature and no final order has been passed for non-payment of terminal benefits.

19- That the contents of paras 10, 11, 12, 13 of the petition need no comments.

That the contents of paras 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 17 and 19 are based on record and those of para 18 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it. So help me GOD.




DEPONENT

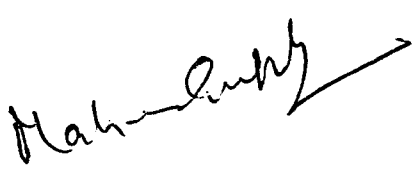
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12.

I, D. S. Chaubey, clerk to Shri KC Sinha
Addl. Standing Counsel, Central Govt. declare that
the person making this affidavit and alleging
himself to be the deponent is known to me
personally.


IDENTIFIER.

Solemnly affirmed before me on this 11/15 day
of August 1989 at 10:15 AM by the deponent, who is
identified by the aforesaid.


I have satisfied myself by examining the
deponent that he understands the contents of
this affidavit which has been read over and
explained to him.

OATH COMMISSIONER

