

CENTRAL ADMINISTRATIVE TRIBUNAL**PATNA BENCH, PATNA****OA No.703 of 2005**

Date of order : 1st September, 2005

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Nawal Kishore Sharan, son of late Sakaldeo Narain, resident of B-103/Kankarbagh Colony, Lohianagar, P.S. - Kankarbagh, District - Patna.

Applicant

Vrs.

1. The Union of India through the Director General Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telephone Department, Meghdoot Bhawan, Budh Marg, Patna.
3. The Principal General Manager, Telephone Department, Telephone Bhawan, R-Block, District -Patna.
4. The Director Finance, Telephone Bhawan, R-Block, District - Patna.
5. The Divisional Engineer Phones [Administration], Telephone Bhawan, R-Block, Patna.

Respondents

Counsel for the applicant : Shri S.K.Sinha

Counsel for the respondents : Shri S.C.Jha, ASC

B.M.C.

ORDER [ORAL]

Justice P.K.Sinha, Vice-Chairman :-

This is an application for payment of full pension, gratuity, leave encashment amount and other pensionary benefits besides some other reliefs. From order dated 7.12.2005, it would appear that the prayer was confined only about the correction of provisional pension, payment of leave encashment amount as well insurance amount since a criminal case was pending against the applicant and under Rule 69 of CCS [Pension] Rules, the gratuity amount had to be withheld till the conclusion of the criminal case and till then only provisional pension was to be paid. In subsequent order dated 5.7.2006, this Tribunal by that interim order directed for payment of leave encashment as well the amount relating to insurance premium deducted from salary. Today, it is admitted on behalf of the applicant that he has received the amount relating to insurance premiums, but he still claims that the amount of provisional pension has been incorrectly calculated and the amount of leave encashment has not been paid. On behalf of the applicant in Annexure-A/9 a chart has been given calculating the amount of pension though the learned counsel for the applicant submits that this calculation is for the provisional pension.



2. There should not be any dispute between the parties about what exactly should be the amount of provisional pension as provisional pension has to be calculated as per extant rules and orders.

3. The amount of leave encashment has already been ordered to be paid. This application, therefore, is disposed of with direction to the applicant to file his calculation chart along with representation before the Respondent No.3, the Principal General Manager, Telephone Department, Telephone Bhawan, R-Block, Patna who will consider the representation of the application, if so filed, and after giving an opportunity to the applicant to be heard will decide his claim about the amount of provisional pension, within three months of the receipt of a copy of this order. The leave encashment amount should also be paid to the applicant, if not paid as yet, within the aforesaid period.

4. It may be mentioned that the claim of the applicant relates to the year 1996 when he had superannuated, when BSNL had not come into existence. The learned counsel for the respondents also agrees with that.

5. With the aforesaid directions, this O.A. is disposed of. No costs.



[P.K. Sinha] JVC

mps.