

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 628 of 2005

Date of order :- 2.9.06

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

1. G.P. Sah, S/o late Sheo Narayan Sah, Ex-Assistant under AMD, Deptt. Of Atomic Energy, Govt. of India, Jaduguda, Singhbhum (East), resident of 104, Shanti Niketan Apartment, Boring Canal Road (East), Patna -1.

....Applicant

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India through the Secretary, Deptt. Of Energy, Chhatrapati Shivajee Mahraj Marg, Anushakti Bhawan, Mumbai -39.
2. The Director, Atomic Minerals Division, department of Atomic Energy, government of India, AMD Complex 1-10 & 153/156, Begampet, Hyderabad - 16.

....Respondents

By Advocate : Shri M. K. Mishra Sr. Standing Counsel

O R D E R

By Sadhna Srivastava, M (J):-

The applicant seeks quashing of order dated 4.5.2005 as contained in Annexure A/20, passed by Director, Atomic Minerals Division, Department of Atomic Energy,



Government of India i.e. Respondent No. 2 whereby the interest on pro-rata pension with effect from 16.10.1967 has been denied and allowed interest only with effect from 1.6.2001 to 31.12.2001.

2. The facts are that the applicant in earlier round of litigation i.e. OA No. 81 of 1998 sought pro-rata pension for the service rendered by him in Atomic Minerals Division , a constituent unit of the Department of Atomic energy, Government of India, prior to his absorption in Uranium corporation of India Ltd. (UCIL in short), a Public Sector Undertaking under the administrative control of the Department of Atomic Energy, in the year 1967. The OA was disposed of vide order dated 16.12.1999 with directions to the respondents to consider his case afresh for sanction of pro-rata pension in accordance with law and also in the light of principle laid down by the Tribunal in earlier OA 44 of 1995, V.D. Sharma vs. U.O.I. Pursuant to that, speaking order dated 31.3.2000 was issued by respondent denying grant of pro-rata pension to the applicant on the ground that the



applicant's case was on a different footing from that of V.D. Sharma. The applicant filed CCPA No. 39 of 2000 alleging therein that the denial of pro-rata pension was clear violation of the order passed by this Tribunal in OA No. 81 of 1998. The said CCPA was disposed of with the following directions;

" The respondents shall grant pro-rata pension to the applicant for the services he rendered to the Government before his absorption in UCIL provided he returns the amounts of Contributory Provident Fund he has already received along with interests. The applicant shall be paid the retirement benefits within three months from the date he returns the Contributory Provident Fund he has already received. The respondents shall also pay him interest calculated @ 12 % on his pro-rata pension, the interest accruing from the date he returns the pro-rata pension. In case the respondents do not comply within this order within time, the applicant shall be at liberty to file contempt application again. No costs.

3. Aggrieved by order recorded in CCPA 39 of 2000 the respondents filed CWJC No. 6579 of 2001 before the Hon'ble Patna High Court, which was dismissed by order



dated 4.12.2001 (Annexure A/5). However, immediately on receipt of judgment dated 4.12.2001 of the Hon'ble High Court, the respondent asked the applicant to re-validate the demand draft dated 9.5.2001 for the amount of Rs. 34,921/- submitted by him earlier on account of employer's contribution under his contributory Provident Fund, along with interest thereon, and accordingly, released the pro-rata pension of Rs. 1275/- per month with effect from 1.1.2001, besides the arrears of pro-rata pension amounting to Rs. 1,74,253/- for the period from 16.10.1967 to 31.12.2001. The interest on pro-rata pension amounting to Rs. 11,810/- was also paid to the applicant.

4. Thereafter, the applicant filed another CCPA No. 88 of 2001 in OA 81 of 1998 which was disposed of on 12.9.2003 with direction to the respondents to pay him interest as per the direction of this Tribunal passed in CCPA 39 of 2000. Respondents passed a speaking order dated 22.2.2003 recording therein that the applicant was paid interest @ 12 % with effect from 1.6.2001 to 31.12.2001



amounting to Rs. 11,810/- as per the direction of the Tribunal given in CCPA 39 of 2000, arising out of OA No. 81 of 1998. It was then the 3rd CCPA No. 37 of 2004 was filed by the applicant for alleged non-compliance of the order passed in CCPA 39 of 2000 and 88 of 2001 which was disposed of with liberty to the applicant to agitate the matter before the competent authority by way of filing a fresh representation. It is how the impugned order dated 4.5.2005 has been passed by the respondents hence this OA.

5. Heard learned counsel for the parties. The only point for consideration is about the period for which the respondents were liable to pay interest on account of pro-rata pension released in favour of the applicant in an earlier round of litigation mentioned above. In my opinion, the question is no more res-integra between the parties. Interest on amount of pro-rata pension has become due to the applicant on the basis of earlier decision in CCPA 39 of 2000. The order passed in the aforesaid CCPA allowing the interest has already been quoted above. Interest has been allowed in



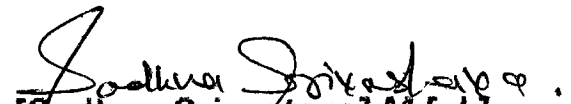
favour of the applicant from the date he returns the amount of Contributory Provident Fund. The amount of Contributory Provident Fund was paid back on 9.5.2001. Therefore, the interest is due from that date only. The order in CCPA 39 of 2000 was subjected to judicial review in the Hon'ble Patna High Court. The Hon'ble High Court upheld the order of the Tribunal. No further SLP was filed in Supreme Court. Therefore, the order of the Tribunal in CCPA has attained finality. The relevant words used in the order of CCPA 39 of 2000 are clear. There is no ambiguity. The interest has been allowed 'from the date the applicant returns the amount of Contributory Provident Fund'. Therefore, in my considered opinion, the interest was not due to the applicant on the pro-rata pension prior to deposit of the amount of Contributory Provident Fund. There is no other possible interpretation.

6. Learned counsel for the applicant has drawn my attention to the case of V.D. Sharma vs. U.O.I. & Others (Supra). The direction in that case was different, reason being that the pensioner had not received amount of



Contributory Provident fund. Therefore, the payment of interest of pro-rata pension in that case was governed by different principle.

7. Resultantly, the OA is dismissed. No order as to the costs.


[Sadhna Srivastava] M [J]

/cbs/