

26/1/90
V ✓ (7/1)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 235 of 1989 (U)

APPLICANT(S) N: D. Thakkar

RESPONDENT(S) C.O.L

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	
c) Have six complete sets of the application been filed ?	
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
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
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 representation 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



<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Yes
12. Are extra copies of the application with Annexures filed ?	Yes
a) Identical with the Original ?	
b) Defective ?	
c) Wanting in Annexures	
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14. Are the given address the registered address ?	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 ?	No
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	
b) Under distinct heads ?	
c) Numbered consecutively	
d) Typed in double space on one side of the paper ?	
18. Have the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	No

dinesh/

7-90

Hon Mr Justice K. Nath, V.
Hon Mr K. Baryga, AM.

8/3

Issue notice to the
respondents to show cause
why the petition be not
admitted and cost for
admission on 28-9-90

[Signature]

[Signature]
AM.

[Signature]

V.C.

OR
not a grant
on
1-8-90
OR

OR

Notices were issued
on 1-8-90.

Neither reply
nor any unusual
reply, can be seen
return back.

S. F. A

46/9

28-9-90

Hon Mr. Justice K. Nath, V.
Hon Mr. K. Baryga, AM.

Shri V. K. Chaudhary
makes appearance on behalf of
respondents and requesters
and is allowed 6 weeks
time to file short counter
on the question of admission
list for admission on 9-11-90
when the case may be disposed
of finally.

[Signature]
AM.

[Signature]

V.C.

OR

No C.A. filed
S. F. A

7/11/90

18.3.91

No Stung App to 1.4.91.
Jc

(1/2)

4/4/91

Hon. Mr. Justice K. Math, re
Hon. Mr. P.S. Gosthi, Am.

OR

No CR filed
S. P. A
L
M/D

The learned Counsel for the
applicant files rejoinder.
List for final hearing
on 3/5/91 as agreed by
the learned Counsel for
both the parties.

1.4.91

Applicant side
in present. Case
is listed for
admission on
4.4.91 before
the Family Bench

J
Am

Jc

2

3.5.91

No Stung App to 28.8.91
Jc

28.8.91

No Stung App to 16.9.91
Jc

x

16.9.91

Hon. Mr. Justice U.C. Srivastava re
Hon. Mr. A.B. Gosthi, Am.

Put up tomorrow

2

J
Am

Jc

re

17/9/91

Hon. Mr. Justice U.C. Srivastava, re.
Hon. Mr. A.B. Gosthi, Am.

The learned Counsel for the applicant states
that the applicant exercised his option for pension
while in service at the time of selection. He
wants to file a Supplementary Affidavit. He may
do so within three weeks. The respondents may
file reply within four weeks. List for hearing
on 16/12/91 on which date the respondents
will produce the relevant record
before the Court.

J
Am

Jc
re

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD.

O.A.NO.
T.A.NO.

O.A. 235/90 OF 199

Date of decision : _____

.....Naman Das Thakral.....Petitioner

.....Sri B.K. Shukla.....Advocate for the Petitioner.

Versus

.....Union of India & Ors......Respondent

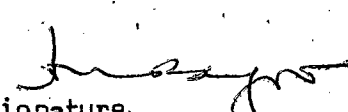
.....Sri V.C. Chaudhary.....Advocate for the Respondent (s).

CORAM:-

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. A.B. Goshwami, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?


Signature

(12)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

DA No. 235/90

Narain Das Thukral ... Applicant

Vs.

Union of India and others ... Respondents

Hon'ble Mr. Justice U.C. Srivastava, W.C.

Hon'ble Mr. A.B. Gorthi, A.M.

(By Hon'ble Mr. A.B. Gorthi, A.M.)

In this application, the claim is for the grant of pension and gratuity which were refused to the applicant by Controller of Defence Accounts (Pension), hereinafter CDA(P).

2. The applicant retired as a Junior Commissioned Officer after having rendered 28 years of Military service. He was thereafter re-employed as a Lower Division Clerk in the Central Command Stationary Depot. As the post of Lower Division Clerk which he was holding w.e.f. 23-5-68 was declared surplus, he was re-categorised as a civilian Store Keeper w.e.f. 1.11.1972. Finally, he retired from the civil service from 30.11.1980. He was however, refused pension for his services as a LDC/ Civilian Store Keeper on the plea that he was a subscriber to IOFWP Fund, and even otherwise as he was not confirmed in his post he could only claim terminal benefits other than pension and gratuity from the regional CDA. The applicant, on the advice of CDA, refunded an amount of Rs. 10,938/- to JCDA Funds,

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Meerut on 16.11.88 and obtained from him a certificate to the effect that Government contribution with interest thereon in respect of the applicant had been resumed and that necessary endorsement had been pasted in his Service Book. Notwithstanding the same, the CDA(P) stuck to his original decision that the applicant was not entitled to pension for the civil services rendered by him with the Central Command Stationary Depot.

3. No reply has been filed by the CDA(P). In the Counter Affidavit ^{filed} finally on behalf of Union of India and the Officer Commanding Central Command Stationary Depot, it has been stated that the applicant after his retirement from the Army was initially appointed as a temporary Lower Division Clrrk, but when that post became surplus he was re-categorised as Civilian Assistant Store Keeper. He was subsequently promoted to Civilian Store Keeper Grade-III. Thus although he served in the Central Command Stationary Depot for over 12 years, he could not be confirmed as the post of Civilian Store Keeper was not confirmed by Army Headquarters. Moreover, the applicant opted for IOFWP Fund. Accordingly, on his retirement he received his full accumulated amount of IOFWP Fund including bonus and the interest.

4. We have heard the learned Counsel for both the parties. CDA(P) has been constantly asserting that the applicant was not entitled to pensionary benefits for two reasons - firstly, he was not a confirmed employee and secondly, he opted for Provident Fund. In this context, letter from CDA(P) dated 14.8.86

stated as follows :-

"Since the individual is not entitled for pension/gratuity for his civil service being not confirmed in ^{any post} ~~my part~~, the question of payment of graded relief on civil pension does not arise."

"Hence he would not be entitled for pensionary benefits even if he retired as permanent employee unless he has opted ^{to} in pensionary benefits before the date of retirement and Government contribution paid to him is resumed to the Government ~~to~~ alongwith interest thereof from the date of payment to the date of deposit through ^{M.R.C} ~~P.T.R.H.~~ and G.C.R.C. received from J.C.D.A. Funds Meerut."

5. Without careful examination ^a ~~of~~ or understanding ^{of} the true purport of the above letter, a prolonged exercise was undertaken to refund the amount of Provident Fund and Bonus with interest. This was finally done and a certificate was obtained to that effect from the concerned J.C.D.A. Funds.

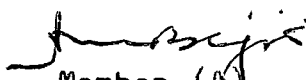
6. On behalf of the applicant, no specific rule or instructions ^{is} has been shown to us according to which the applicant ~~has been~~ entitled to pensionary benefits. The sole contention of the applicant is that since he had refunded the amount of IOFWP Funds and the bonus with interest, as advised by CDA(P), he should be paid his pension and gratuity. There can be no doubt that the letter of CDA(P) dated 14.8.86 did not state that the applicant would be entitled to pension if he refunded the accumulated amount in the IOFWP Fund with Bonus and interest. This contingency would apply only

in respect of a permanent employee. The applicant ~~examined~~ who retired without being confirmed in his post of Civilian Store Keeper cannot, therefore, claim pension or gratuity as has been sufficiently clarified by CDA(P).

7. The applicant, admittedly was not confirmed in his post. In the case of Baleshwar Dass Vs. State of U.P. A.I.R. 1981 S.C. 41, the Supreme Court had the occasion to observe that confirmation is one of the inglorious uncertainties of Government service depending on neither efficiency of the incumbent nor on the availability of substantive vacancies. The post of Civilian Store Keeper having been held by the applicant for a considerable length of period, we fail to see why and how the said post remained as a temporary ~~post~~ post. However, this is a matter for consideration and decision of the Executive Government.

8. The application under the circumstances cannot succeed. The amount of Rs. 10,930/- deposited by the applicant may be refunded to him with interest at a rate not lower than 12% per annum.

9. Subject to the above observation, the application is dismissed. There shall be no order as to costs.


Member (A)


Vice Chairman

Lucknow
dated 26 May, 1992.

Date of Filing 26/7/90
Date of Receipt

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT-BENCH, LUCKNOW

O.A. No. 235/90 (L)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT., 1986.

N.D. Thukral Applicant

Versus

Union of India & Others.....Respondents

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2.	Copy of impugned order	
	Annexure No A-1,	21
	Annexure No A-2	22

	Postal Order No. 8 02 414731,	
	dated 24-7-90	

4.	Power	
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DATED: 26.7.90
LUCKNOW.

(B.K. SHUKLA)

ADVOCATE,

Counsel for the applicant

Mud

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 235 of 1990 (L)

Narain Das Thukral, aged about 68 years, son of Late Sri G.D. Thukral, resident of 551K/237, Pardeep Niwas, Rishi Nagar, Alambagh, Lucknow

.....Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Officer Commanding, Central Command, Central Command, Stationery Depot, Lucknow.
3. Controller of Defence Accounts (Pension) Allahabad.
4. Joint Controller of Defence Accounts (Funds) Meerut.
5. Controller of Defence Accounts, Central Command, Lucknow

.....Opposite Parties

Details of application

Particulars of applicant

- (a) Name of the applicant - Narain Das Thukral
- (b) Name of father - Late Sri G.D. Thukral
- (c) Designation of office in which employed last - Civilian Store-keeper in the office of Opposite Party No. 2

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- (d) Office Address - As above (Now retired)
- (e) Address for service
of all notices - 551K/287 Pardeep Niwas,
Rishi Nagar, Alambagh,
Lucknow.

Particulars of the Opposite Parties

- (a) Office address of
respondents - As above
- (b) Address for service
of all notices - As above

1. Particulars of the order against which
this application is made

This is an application against the order, dated
17-10-89, passed by the Opposite Party No. 3. While
refusing the pensionary award to the applicant and vide
order, dated 26-10-89, the Opposite Party No. 2 has been
pleased to communicate the same to the applicant. The
true copies of the order, dated 17-10-89 passed by
Opposite Party No. 3 and 26-10-89 passed by Opposite
Party No. 2 are being annexed as Annexure No. A1 & A2
respectively to this application.

2. Jurisdiction of Tribunal

The applicant declares that the subject
matter of the order against which the applicant wants

Noted

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redressal is within the jurisdiction of the Tribunal.

3. Limitation

The Applicant declares that the application is within limitation prescribed under Section 21 of the Administrative Tribunal Act, as the impugned order is dated 17-10-89 and 26-10-89 contained in Annexure No. A-1 & A-2 to this application.

4. Facts of the Case

(1) That the applicant joined the army services (ASC Supply Branch) on 20-9-1940, and retired as a Junior Commissioned Officer after completion of 28 years of service.

(ii) That the applicant was posted to Central Command Stationery Depot, Lucknow on 28-9-68 from Military Grain Depot ASC, Lucknow, as a lower division clerk in surplus/deficiency scheme.

(iii) That during the course of his employment, when he was on leave pending retirement from army services, he was re-employed as a lower division clerk as mentioned above on 23-5-1968.

Noted

That the applicant was recategorised as Civilian Store-keeper with effect from 1-1-1972, and from there he retired on 30-11-1980 from service without any pensionary benefits, whereas the applicant had already given option for pension and gratuity prior to the date of retirement.

(v) That regarding grant of pensionary benefits to re-employed military pensioner i.e. applicant, the matter was referred to CDA(Pension) Allahabad on 14-8-1985, and in reply thereto, the CDA (Pension) Allahabad vide letter No. GI/C/Mis./84/XXXV, dated 14-8-1986, mentioning therein that the applicant has superannuated from his civilian services on 1-12-1980 without being confirmed in the post, and as such the applicant was not considered to be entitled for pensionary benefits. It was further mentioned in the CDA (P) Allahabad letter, dated 14-8-1986 , vide para 2 which is quoted below:-

"The individual was subscriber to IOFWP Fund and has been paid the accumulation along with bonus and Government contribution. Hence he would not be entitled for pensionary benefits

even if a permanent employee -

even if he retired as permanent employee unless he has opted to pensionary benefits before the date of retirement and Government contribution paid to him is resumed to the Government along with interest thereof from the date of payment to the date of deposit through M.R.O. and G.C.R.C. received from JCDA (Funds) Meerut."

The true copy of the letter, dated 14-8-1986 is being annexed as Annexure No. A-3 to this application.

(vi) That after receiving the letter, dated 14-8-1986, the Opposite Party No. 2 was pleased to refer the matter to the Opposite Party No. 4 vide his letter, dated 13-11-1987. The true copy of the letter is being annexed as Annexure No. A-4 to this application.

(vii) That the Opposite Party No. 2 was pleased to inform to Opposite Party No. 4 vide his letter, dated 13-11-1987 that CDA (P) Allahabad, has ruled out vide ? letter, dated 14-8-1986 that in case the applicant deposits the complete accumulation, bonus and Government contribution of the IOFWP Fund along with the interest accrued till date, he will be entitled for pension of Civilian Store-keeper grade III. In this letter, dated 13-11-87, the Opposite Party No. 2 also requested the Opposite Party No. 4 that the total amount in principal and interest accrued till date, be intimated to him so that

the applicant can deposit the money in the treasury, thereby enabling CDA (P) Allahabad to pay the pension as per rules.

(viii) That the Opposite Party No. 2 was enough pleased to write another letter No. NI/15/Adm(Civ), dated 28-12-87 addressed to CDA Central Command, Lucknow, requesting therein to intimate the interest accrued so that the applicant can deposit the money in Government treasury, and he may be paid pension in terms of CDA(P) 's letter dated 14-3-86. The true copy of the letter, dated 28-12-87 is being annexed as Annexure No. A-5 to this application.

(ix) That the JCDA (Funds) Meerut in reply to letter, dated 13-11-87 informed that the individual while in service did not opt for pensionary benefits hence question of issue of GCRC does not arise.

However, he was further pleased to direct the Opposite Party No. 2 that if he still feels that the individual is entitled for pensionary benefits, the matter may be taken up by the Officer Commanding, Central Command Stationery Depot Lucknow with CDA(P)

Allahabad, and the CDA (P) Allahabad may issue

GCRC certificate directly on the basis of facts

of the case that the applicant is entitled for

pensionary benefits, and GCRC is to be issued

by them, the entire bonus of Rs.5764/- along with the

interest would be deposited in favour of JCDA (Funds)

Meerut for further action.

(x) That thereafter, the Opposite Party No. 2

in consultation with O.P. No. 3 issued military

receiveable order to the applicant, and the basis

of the same, the applicant deposited Rs.10938/ on

16-11-88 in favour of JCDA(Funds) Meerut,

(Account No. 217013. The amount deposited was bonus

and interest thereon.

(xi) That it is worth mentioning that later on

the Opposite Party No. 4 JCDA(Funds) Meerut himself

issued GCRC certificate vide letter No. FW/iii/217013,

dated 5-4-89, mentioning therein that the Government

contribution with interest thereon has been resumed

and necessary endorsements have been pasted in the

service book of the applicant. The true copy of the

certificate, dated 5-4-89 is being annexed as

Annexure No. A-6 to this application.

(xii) That on receipt of GCRC certificate from JCDA (Funds) Meerut, the Officer Commanding Central Command Stationery Depot, Lucknow, vide his letter dated No. NI/15/Adm(Civ), dated 8-8-1989 referred again to CDA, Central Command, Lucknow, informing therein that the applicant has already deposited the sum of Rs.10938/- to JCDA(Funds) Meerut vide TR No. 6 dated 17-11-88 and GCRC certificate received from JCDA (Funds) Meerut. In this letter, the Officer Commanding, Central Command Stationery Depot, Lucknow was further pleased to request CDA (CC) Lucknow for advising further action, so that the applicant may get pension for his services rendered from 23-5-68 to 30-11-80. As such the pension of the applicant becomes due from 1-12-80. He was further pleased to mention that the procedure to be followed to process the applicant's case may further proceed. A true copy of the letter, dated 8-8-89 is being annexed as

NOTED

Annexure No. A-7 to this petition.

(xiii) That CDA (CC) Lucknow vide his letter No. P/vii/2029, dated 21-8-89 intimated to the Officer Commanding Central Command Stationery Depot, Lucknow, in reply to his letter, dated 8-8-89 that after scrutiny of the case it was observed that as per CDA(P) Allahabad letter, dated 14-8-86, the applicant had deposited Government contribution along with interest through MRO, and accordingly GCRC certificate has been issued by JCDA(F) Meerut. He was further pleased to request the Officer Commanding, Central Command Stationery Depot, to forward all pension papers for granting pension and gratuity to the applicant with reference to CDA(P) Allahabad letter, dated 14-8-86. A true copy of the letter, dated 21-8-89 is being annexed as Annexure No. A-8 to this application.

(xiv) That the Officer Commanding, Central Command Stationery Depot, Lucknow, on the basis of CDA(P) CC, Lucknow, letter dated 21-8-89 and CDA (P)

Allahabad letter, dated 14-8-86 forwarding the pension papers of the applicant to CDA(P) Allahabad for further action under his letter No. NI/15/Adm (Civ), dated 13-9-89. A true copy of the letter, dated 13-9-89 is being annexed as Annexure No. A-9 to this application.

(xv) That in reply to Officer Commanding, Central Command, Stationery Depot, Lucknow, dated 13-9-89, the CDA(P) Allahabad, vide letter No. GI/C/Misc/884/9-89/XXXV, dated 17-9-89 returned the pension ~~xxxxx~~ claim and service documents along with GCRC certificate of the applicant to the Officer Commanding, Central Command Stationery Depot Lucknow, mentioning therein that the applicant is not entitled for pensionary awards under existing rules, as the applicant was superannuated from his civil service with effect from 30-11-1980 (A.N.) without being confirmed on the post, and as such he was subscriber of I.O.F.W.P. Fund. He was further pleased to mention that however the applicant is

Notes

entitled for terminal benefits which may be claimed from concerned regional controller(the impugned letter/order, dated 17-10-89 has already been annexed as Annexure No. A-1 to this application.).

(xvi) That thereafter the Officer Commanding, Central Command Stationery Depot, Lucknow, vide his impugned letter No. NI/15/Adm (Civ), dated 26-10-89, informing the applicant that his request for grant of pension benefits and gratuity has not been accepted . However, applicant's terminal benefits of I.O.F.W.P. funds are being claimed at his end.

(xvii) That after receiving the impugned letter contained in annexure No. A1 and A2, the applicant gave a representation, dated 27-10-87 to CDA (P) Allahabad for granting of pension and gratuity in the light of the letter issued by CDA (P) Allahabad, dated 14-8-86 along with the connected correspondence of Officer Commanding, Central Command Stationery Depot, Lucknow, JCDA(F) Meerut and CDA (CC) Lucknow, but the reply has been received. The

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representation/appeal, dated 27-10-89 is being annexed as Annexure No. A-10 to this application.

(xviii) That when the applicant did not receive any reply from CDA (P) Allahabad, and Officer Commanding, Central Command Stationery Depot, Lucknow, he gave another reminder, dated 12-12-89 for grant of pension and gratuity in accordance with para 2 of CDA (P) letter, dated 14-8-86, as the applicant has already deposited the accumulation along with bonus, Government contribution with interest on 17-11-88. But so far no reply has been received. The true copy of the reminder, dated 12-12-89 is being annexed as Annexure No. A-11 to this application.

(xix) That again on 16-2-90, the applicant gave a reminder to Officer Commanding, Central Command Stationery Depot, Lucknow for grant of pension and gratuity vide his appeal/representation, dated 16-2-90, and also requested to intimate the present position of his case, which is pending

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with the Opposite Parties, but Opposite Parties did not give any response as yet. The true copy of the second reminder, dated 16-2-90 is being annexed as Annexure No. A-12. to this application.

(xx) That again a further reminder dated 23-6-90 addressed to Officer Commanding, Central Command Stationery Depot, Lucknow, and copy endorsed to CDA (P) Allahabad, was sent by the applicant inviting their kind attention to all his letters mentioned above for finalisation of the instant case. But the Opposite Parties have failed to take any action, and reply the same. The true copy of third reminder, dated 23-6-90 is being annexed as Annexure No. A-13 to this application.

Noted

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(xxi) That it is worth mentioning that the applicant was deemed to be confirmed on the post of Senior Storekeeper in view of the Army Head Quarter's letter/Order No. A/06729/OS20, dated 5th September 1980, by which the Army Headquarter was pleased to direct all the Stationery Depots that the persons working in the clerical cadre would be treated as permanent except 4 clerks in Eastern Command Stationery Depot and 3 clerks in Northern Command Stationery Depot. It clearly shows that the applicant was considered to be permanent on the post. In view of the same, the applicant is very much entitled for pension and gratuity for the services rendered by him in Central Command Stationery Depot from 23rd May 1968 to 30th November 1980. A true copy of the letter, dated 5th September 1980 is being annexed as Annexure No. A-14 to this application.

Noted

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-14-

5. Grounds of Relief With legal provisions

(i) Because the order, dated 17-10-89 has been passed without application of mind, and is illegal and arbitrary.

(ii) Because the petitioner had already given option for pension and gratuity prior to the date of retirement.

(iii) Because the petitioner is entitled for pensionary benefits, as he had complied with the letter of C.D.A.(P) Allahabad, dated 14-8-86.

(iv) Because, when the applicant had already deposited the complete accumulation, Bonus and Government contribution of the I.O.F.W.P. Fund along with interest accrued upto date, then he becomes entitled for the pension of Civilian Store-keeper Grade III, from 1st December 1980.

(v) Because once the Opposite Parties have issued the Military Receivable Order to the

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applicant on the basis of which the petitioner refunded the amount, as such he became entitled for the pension and gratuity.

(vi) Because the Opposite Party No. 4, Joint Controller of Defence Accounts, Funds Meerut have issued the GCRC Certificate.

(vii) Because once the CDA (P) Allahabad has been pleased to direct the petitioner, vide letter, dated 14-8-86, and when the requirements were fulfilled, then they refused to honour their own commitment, vide letter, dated 17-10-89.

(viii) Because the Opposite Parties have failed to consider the representation, dated 27-10-89 till date.

(ix) Because the Opposite Parties have got a legal obligation to obey their own commitment to pay pension/gratuity to the petitioner.

(x) Because the act of the Opposite Parties

Noted

is arbitrary, illegal and unwarranted.

(xi) Because the Opposite Parties are violating the principles of natural justice.

(xii) Because in view of letter issued by Army Head Quarter, dated 5th September, 1980, contained in Annexure No. A-14, the applicant was deemed to be confirmed on the post for all purposes, including pensionary benefit and gratuity.

6. Details of remedies exhausted

(a) The representation, dated 27-10-89 has been sent to CDA(P) Allahabad, against the order, dated 17-10-89

(b) A reminder, dated 12-12-89 has been given by the petitioner.

(c) Second reminder, dated 16-2-90 has been given by the applicant.

(d) Third reminder, dated 23-6-90 has been given by the applicant.

7. Matter not previously filed or pending in any other Court

That the applicant further declares that he

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has not previously filed any application, Writ Petition or suit relating to the matter in respect of which this application has been made before any Court or any other Bench of this Tribunal, nor any such application, Writ Petition or suit is pending before any of them.

8. Relief Sought

(a) In view of the facts mentioned above, the applicant prays that the order, dated 17-10-89 and 26-10-89, contained in Annexure No. A-1 and A-2 be quashed by this Hon'ble Tribunal and the Opposite Parties may further be directed to pay pension and gratuity to the petitioner from 1st December 1980

(b) Any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. Interim Order, if any, prayed for

Pending final decision on the application, the applicant pays for following interim relief :

Applicant prays that this Hon'ble Tribunal may be please to direct the Opp. Parties to pay pension and gratuity to the petitioner during the pendency of this application before this Hon'ble Tribunal.

10. That this application is being filed through counsel.

11. Particulars of Postal Order filed in respect of the application fee

No. 8 02 414731, dated 24-7-90 for Rs. 50/- only.

NOTED

12. List of enclosures:

1. Annexure No. A-1

Order of CDA(P) Allahabad Dt. 17-10-89
No. GI/C/Misc/884/9-89/XXXV

2. Annexure No. A-2

Letter No. NI/15/Adm(Civ), Dt. 26-10-89

3. Annexure No. A-3

Letter CDA(P) Allahabad Dt. 14-8-1986

4. Annexure No. A-4

Letter No. NI/15/Adm(Civ) Dt. 13-11-1987 of
Central Command Stationery Depot Lucknow.

5. Annexure No. A-5

Letter No. NI/15/Adm(Civ), Dt. 28-12-87 of
Central Command, Stationery Depot, Lucknow

6. Annexure No. A-6

Letter No. FW/III/217013, dated 5-4-1989 of
J.C.D.A. (Funds) Meerut.

7. Annexure No. A-7

Letter No. NI/15/Adm (Civ) Dt. 8-8-89 of
Central Command Stationery Depot, Lucknow

8. Annexure No. A-8

Letter No. P/VII/2029, dated 21-8-89 of
C.D.A. Lucknow

9. Annexure No. A-9

Letter No. NI/15/Adm(Civ), dated 13-9-89 of
Central Command Stationery Depot, Lucknow.

10. Annexure No. A-10

Appeal, dated 27-10-89 of CSK N.D. Thukral

11. Annexure No. A-11

Reminder, dated 12-12-89 of Sri N.D. Thukral

12. Annexure No. A-12

2nd reminder, dt. 16-2-90 of Sri N.D. Thukral

13. Annexure No. A-13

3rd reminder, dt. 23-6-90 of Sri N.D. Thukral

14. Annexure No. A-14

Letter of Army HQ No. A/06729/OS20, dt. 5-9-80

19
27

NOTED

-20-

Verification :- I, N.D. Thukral, son of Late

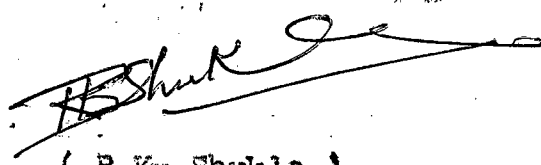
Sri G.D. Thukral, aged about 68 years, retired
from the post of CSK from Central Command
Stationery Depot, Lucknow, and resident of
House No. 551K/237 Rishi Nagar, Alambagh,
Lucknow, do hereby verify that the contents
of paras 1 to 12 are true to my personal
knowledge, and I have not suppressed any
material fact.


Signature of the Applicant

LUCKNOW: DATED

July 26, 1990

Through


(B.K. Shukla)

Advocate

Counsel for the Applicant

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990(L)
Narain Dag Thukral Applicant
Vs.
Union of India & Others Opposite Parties
Annexure No. A-1

1 COPY)

No. GI/C/Misc/884/9-89/XXXV
Office of the CDA(P)
Allahabad dated 17/10/89.

To

The Officer Commanding
Central Command Stationery Depot
LUCKNOW

Sub: Grant of Pension/Gratuity in respect of
Ex CSK Shri N D Thukral who retired on 30/11/80

Ref: Your No. NI/15/Adm(Civ) dated 12/9/89 and this office
letter No. GI/C/Misc/84/XXXV.

It is observed from the service documents and pension claim of above a/n individual received with your memo cited above that the individual is NOT entitled for pensionary awards under existing rules as he was superannuated from his civil service with effect from 30/11/80 (AN) without being confirmed in the post and he was subscriber of IOFWP Fund. He is however entitled for terminal benefits which may be claimed from concerned regional controller.

Pension Claim and service documents along with CSCC Certificate of a/n individual is returned herewith for your further necessary action.

Please ack receipt.

Sd/-

A.O.

Encl-as above

True copy
Attested
IB Shukla
Adm.

Mous

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No.

of 1990 (L)

Narain Das Thukral Respondent

Vs.

Union of India & Others Petitioner

Annexure No-A-2

Tele Mil 2773

Central Command Stationery Depot

Post Box No. 1009

Lucknow-2

26 Oct 89

NL/15/Adm(Civ)

Shri ND Thukral

" Pradeep Niwas "

551 K/237

Rishi Nagar, Alambagh

Lucknow

GRANT OF PENSION AND GRATUITY

1. Your request for grant of pension and gratuity has not been accepted by CDA(P) Allahabad vide their letter No. GI/C&MISC 884/9-89/XXXV dated 17 Oct 89 (Copy attached). However your terminal benefits regarding subscription of IOFWP Fund are being claimed at this end.

Encl: One

(TEK RAM)

OOCTV

OFFG OFFICER COMMANDING

True copy
Adm.

Mul

Central Administrative Tribunal.

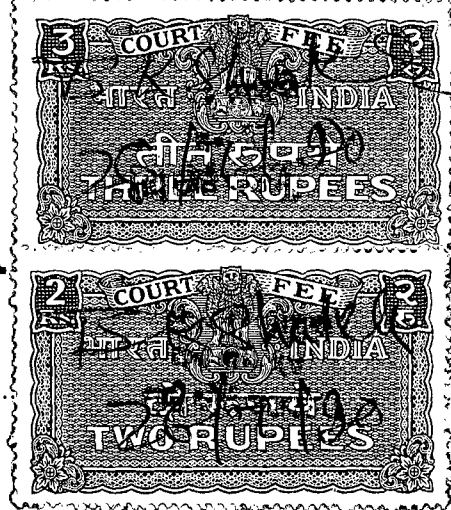
In the High Court of Judicature at Allahabad

LUCKNOW BENCH, LUCKNOW

VAKALATNAMA

On behalf of

Applicant



Narain Das Thakral

Applicant

VERSUS

Union of India & others

Respondents

O.A.

No.

of 1980.

I/We the undersigned do hereby nominated and appoint Shri BRIJESH KUMAR SHUKLA, (Advocate) and Shri _____

(Advocate) to

be counsel in the above matter, and for me/us and on my/our behalf to appear, plead act and answer in the above Court or any Appellate Court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising therefrom, and also to apply for and receive all documents or copies of documents, depositions, etc., etc., and to apply for issue summons and other writs of subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or order and to conduct any proceeding that may arise thereout; and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then and in such an event my/our said advocate shall not be bound to appear before the court; Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate shall not be held responsible for the same. And all whatever my/our said advocate shall lawfully do, I do hereby agree to and shall in future ratify and confirm.

ACCEPTED :

1. _____, Advocate.
2. _____, Advocate.

Place—LUCKNOW.

Dated... 26/7/90

Signature : _____

Witness : _____

(17/5)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Original Application No. of 1990

Between

Narain Das Thukral Applicant

And

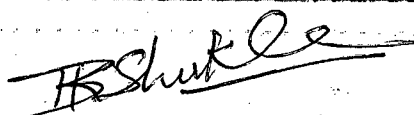
Union of India & Others ... Respondents

Paper Book

Sl. No.	Description of Papers	Page No.
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|----|--|-------|
| 1. | <u>Annexure No. A-1</u> (<i>impugned order</i>)
Order of CDA(P) Allahabad,
Dated 17-10-89, Not GI/C/Misc/
884/9-89/XXXV | 21 |
| 2. | <u>Annexure No. A-2</u> (<i>impugned Order</i>)
Letter No. NI/15/Adm(Civ),
dated 26-10-89 | 22 |
| 3. | <u>Annexure No. A-3</u>
Letter of CDA(P) Allahabad,
dated 14-8-1986 | 23 |
| 4. | <u>Annexure No. A-4</u>
Letter No. NI/15/Adm(Civ),
dated 13-11-1987 | 24-25 |
| 5. | <u>Annexure No. A-5</u>
Letter No. NI/15/Adm(Civ),
dated 28-12-87 | 26 |
| 6. | <u>Annexure No. A-6</u>
Letter No. FW/III217013,
dated 5-4-1989 | 27-28 |
| 7. | <u>Annexure No. A-7</u>
Letter No. NI/15/Adm(Civ), Dt. 8-8-89 | 29 |

Sl. No.	Description of papers	Page No.
8.	<u>Annexure No. A-8</u> Letter No. P/VII/2029, dated 21-8-89	30
9.	<u>Annexure No. A-9</u> Letter No. NI/15/Adm(Civ), dated 13-9-89	31
10.	<u>Annexure No. A-10</u> Appeal, dated 27-10-89 of CSK N.D. Thukral	32 - 34
11.	<u>Annexure No. A-11</u> Reminder, dated 12-12-89 Of Sri N.D. Thukral	35
12.	<u>Annexure No. A-12</u> 2nd reminder, dated 16-2-90 of Sri N.D. Thukral	36 - 37
13.	<u>Annexure No. A-13</u> 3rd reminder, dated 23-6-90 of Sri N.D. Thukral	38
14.	<u>Annexure No. A-14</u> Letter No. A/06729/OS20, dated 5-9-80	39


(B.K. SHUKLA)
ADVOCATE

Dated: 26.7.90
Lucknow

Counsel for the Applicant

NOTED

O.A. No.
Narain Das Thukral

Union of India & others
Appellate No. - 1

Office of the C.O.A. (Pensions),
Allahabad-1 Dt. 10.8.86

TO

The C.O.
HQ. Central Command,
Stationary Depot,
Lucknow.

Subject:- Grant of pension/gratuity to re-employed
Military Pensioner CSM. GDE III N.D. Thukral.

Reference:- Your letter No. NI/15/69/Adm Civil dt.
14.8.85 and individual application no. nil
dt. 28.3.86.

It is seen that the above named individual has superannuated from his civil service 1.12.80 without being confirmed in the Post. He, therefore, is not entitled for pension/gratuity. He is however entitled for terminal benefits which may be claimed from regional C.O.A. if otherwise in order. It may be further stated that necessary instructions have already been issued to T.O. Lucknow for the payment of graded relief/adhoc relief on Military pension vide our No. AT 7/1/RE/55 dt. 15.8.83. Since the individual is not entitled for pension/gratuity for his civil service being not confirmed in my part, the question of payment of graded relief on civil Pension does not arise.

It is further seen from your letter no. NI/15/69/Adm. (Civ.) dt. 16.2.85 addressed to stationary Depot Lucknow and Copy endorsed to this office that the individual was subscriber to IDWP Fund and has been paid the accommodation alongwith bonus and Govt. contribution. Hence he would not be entitled for pensionary benefits even if he retired as permanent employee unless he has opted to pensionary benefits before the date of retirement and Govt. contribution paid to him is resumed to the Govt. alongwith interest thereof from the date of payment to the date of deposit through M/RN. and G.C.R.C. received from J.C.O.A. Funds Meerut.

A.O. (Pensions)

Copy to :

1. The C.G.O.A., West Block-V, R.H. Puram, New Delhi-66-- for information with reference to his No. AT/CC/P-3249 dt. 25.1.86 and No. AT/CC/P-1229/civil dt. 10.7.86. In view of the position stated above the complaint may be treated as closed.

2. Shri N.D. Thukral, 551/K/237 Pradeep Nivas Rishi Nagar, Alambagh, Lucknow-- for information w.r. to his above quoted letters.

The DI/C, AT-7 sec. Local-- for information w.r. to his No. AT-7/1/RE/55/Vol. I dt. 12.3.86 forwarding the CGDA complaint dt. 25.1.86 quoted above. Since the individual has not been granted civil pension as stated above, the question of authorisation of graded relief on civil pension does not arise.

A.O. (P)

T.C. Bhatia

24
A/p

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
O.A. No. of 1990(L)

Narain Das ThukralApplicant
Vs.
Union of India & Others.....Opposite Parties
Annexure No. A-4

Tele Mil: 773

Central Command Stationery Depot
Post Box No. 1009
Lucknow- 226002

13 Nov 87

NI/15/Adm9Civ)

The J.C.D.A. (Funds)

Meerut

Grant of pension and Gratuity to

~~xxxExxxThukral~~

re-employed Military Pensioners.

(IOFWP F A/C No. 217013)

1. Sri ND Thukral Ex CSK Grade III of this depot retired on 30 Nov 80 (A/N). The individual is not in receipt of pension as he was contributing towards ICWFP Fund and had taken his complete contribution alongwith the interest on 13 Sept 82, after retirement.
2. The individual has been insisting for grant of pension but the same could not be paid as he has taken his complete contribution on retirement. CDA Pension has ruled vide letter No. GI/C/Misc/84/XXXV dt 14 Aug 86 (copy att) that in case the individual deposits the complete accumulation bonus and ~~xxx~~ govt. contribution of the IOFWP Fund along with the interest accrued till date, he will be entitled for pension of CSK Grade III.
3. Your office is requested to please confirm the total amount ie principal and interest accrued till date, so that the individual can deposit the money in the treasury thereby enabling CDA (P) to pay him pension as per rules.

Nail

T.C.
B. Thukral
Adv.

Sd. (P.S. Malhotra)
Major
Officer Commanding

-2-

Copy to:-

CDA(Pension)

Allahabad - With reference to your letter No. GI/C/Misc/
84/XXXV dt. 14 Aug 86

CDA

Central Command

Lucknow - With reference to your letter No. F/VII/2029
dated 02 Nov 87.

Shri N.D. Thukral

551 K/237 "Pardeep Niwas"

Rishai Nagar, Alambagh

Lucknow - - for information please.

NOTED

G.C.
H.S. Shukla
Adv.

Handwritten initials

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990 (L)

Narain Das Thukral Plaintiff
Vs.

Union of India & Others Opposite Parties

Annexure No. **A 5**

6

Tels. No. 773

Central Command Stationery Depot
Lucknow - 226 002

SI/15/Am(Civ)

28 Dec 87

The CDA
Central Command
Lucknow

GRANT OF PENSION AND GRATUITY TO
RE-EMPLOYED MILITARY PENSIONERS (IOFWPP A/C No 217013)

1. Ref. JCDA(P) Meerut letter No. FW/111/217013 dt. 15 Dec 87.
2. May this office be informed the interest ^{accrued} so that Shri ND Thukral can deposit the money in govt treasury so that he can be paid pension as suggested by CDA(P) Allahabad.

Signature
(PS Malhotra)
Major
Officer Commanding

Copy to :

JCDA(P)

Meerut Cantt - Ref your letter No. FW/111/217013 dt. 15 Dec 87.

Shri ND Thukral

551 K/237 "Pradeep Hiwas"

Rishi Nagar Alambagh

Lucknow

- for information please.

Handwritten: 17/12

Handwritten: T.C. Adv

IN THE HON'BLE CENTRAL JUDICIAL MAGISTRATE'S COURT
CIRCUIT BENCH, LUCKNOW
O.A. No. _____ of 1990
Verain Das Thukral
Vs.
Union of India & others.....
Annexure No. A - 6

27
4/89

प्राप्तिकांज-2011 (बड़ा)
I.A.F.Z.-2011 (Large)

फाइल नमूना
Memorandum

From: J E D A
(Ends)
To: The OC, Central cord
stry Dept Lucknow
cc: FW/ID/217013 Meerut 5-4-89
Station Date

Subj - Issue of GCR in 7/054 N.D. Thukral
10RWP and A/C NO 217013

Ref] - Application of Sh. N.D. Thukral
addressed to this office & copy to you

GCR in 7/0 above named
individual is enclosed herewith
as desired.

(End I)

Sd/-
8 AO

Copy to -

Sh. N.D. Thukral (EXCISE) 551
K/237 Pradeep Nivas, Rishi Nagar
Alam Bagh Lucknow for information

NOTED

T.C.
Chakraborty
Adm.

Pradeep
8 AO

WHILE REPLYING PLEASE
ALWAYS QUOTE IOFWP
FUND ACCOUNT NUMBER

REGISTERED
No. FW/III/217013
Office of the JCDA (Funds)
Meerut. Dated 5-17-89

To,

DC, Central and
Stationery Depot, Lucknow

Subject: Final Settlement IOFWP Fund Account No

217013

In respect of Shri. N. D. Thakral

Reference:

The Govt contribution with interest thereon in respect of the above named subscriber has been resumed. Necessary endorsement pasted in the service book.

Copy for information to the C. D. A. (P) Allahabad.

Meerut
Accounts Officer (Funds)

Accounts Officer (Funds)

AMU

P.C. Shukla
Adm.

29
8/20

IN THE HON'BLE CENTRAL JUDICIAL MAGISTRATE
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990

Narain Das Thukral

Union of India & Others.....

Annexure No. - 7

14/11/1977

Central Command Stationary Depot
Post Box No. 1009
Lucknow - 226002

NY/15/Adm (Civ)

July 89

Central Command
Stationary Lucknow

GRANT OF PENSION AND GRATUITY TO EX-CEK
N D THUKRAL OF CS STATIONERY DEPOT LUCKNOW

1. Ref this depot letter of even No. dated 19 July 89 and
communications of Shri N D Thukral dt 22 July 89 and 26 July 89.

2. It is intimated that Shri N D Thukral was re-employed
as JDO in RCD LKO on 23 May 68 and was posted to this depot
on 20.11.68. He was re-categorised as CASK wef 1.1.72. The
individual retired from service on 30 Nov 80 without any
pensionary benefit as he was not permanent in any grade.

3. The above individual was subscriber to IOPWP fund, which
was paid the accumulation alongwith bonus and Govt contribution.
As per CMA(P) Allahabad letter No GI/C/Misc/84/XXXV dt 14.8.84,
he would not be entitled for pensionary benefits even if he
retired as permanent employee unless he was opted to pensionary
benefit before the date of retirement and Govt Contribution
paid to him, is returned to Govt alongwith interest thereof from
the date of payment to the date of deposit through MRO and
same received for JCDA Meerut.

4. Ultimately the individual has deposited a sum of Rs.
10938.00 to JCDA (P) Meerut vide ER No. 6 dt 17.4.88 and GCRC
received, which has been returned to individual.

5. Please advise further action that above individual is
authorised to get pension for the period 23-5-68 to 30-11-80
ie 12 1/2 years or otherwise. Also intimate procedure to be followed
to process his case further.

6. An action will be much appreciated

(A K Thakur)
Major
Officer Commanding

Copy to 1-

CMA (P)
Allahabad

Shri N D Thukral (Ex CEX)
"Pardeep Nivas" 551K/117
Noida Nagar.

T. C. Shukla
Adm.

O.A. No. of 1990(L)
Narain Das Thukral.....Applicant
Vs
Union of India & Others.....Opposite Parties
Annexure No. A-8

30

P/VII/2029

O/O the CDA

LUCKNOW

To

Dt. 21-8-89

The Commdt.
C.C. Stationery Depot.
Lucknow.

Syb:- Grant of pension and gratuity to ex-CSK
N.D. Thukral of C.C. Stationery Depot, Lucknow.

Ref: your No. NI/15/Adm/(CW) dt. 15/7/89 received
in this office 8 Aug. 89

XXX

After scrutiny of the case it is observed
that as per CDA(P) Allahabad letter No. G-1/C/Misc/84/XXX
V dt 14/8/86 the individual has deposited Govt.
Contribution to IOFWP fund along with interest
through MRO and accordingly GCRC has been issued
by JCDA (Funds) Meerut vide his Regd. letter No.
FW/III/217013 dt. 5-4-89. In this connection
please refer your letter No. NI/15/Adm/ Civ,
dt. 13-11-87.

You are, therefore, advised to please forward
all pension papers, service book of the individual
duly complete, GCRC etc. to CDA(P) Allahabad urgently
for grant of pension and gratuity to the above
named individual, vid. CDA(P) Allahabad letter dt.
14-8-86 under intimation to this office. In this
connection please also refer individual appeal
dt. 26-7-89.

Sd/- AO.
21/8/89

Copy to:-

Sri N.D. Thukral (Dx CSK) "Pardeep Niwas" 551K/
237, Rishi Nagar, Alambagh, Lucknow.
to CC Sty Depot letter cited under reference
and your letter dt. 26/7/89. Pl submit original copy
of GCRC to Comd.Off. CC.Sty Depot for onward transmission
to CDA (P) Allahabad. Along with other pensionery
documents and service book etc. for further action.

Sd/. A.O.
21/8-89

N.C.
BS Shukla
Adm.

NOV 12

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990 (L)

Narain Dag Thukral Applicant
Vs.

Union of India & Others..... Opposite Parties

Annexure No. A- 9

File No. 773

REGISTERED

Central Command Stationery Depot:

Post Box No. 1009

Lucknow-226002

Sep 89

SI/15/Ma(Civ)

Shri CDA(Pension)
Alambagh

13

GRANT OF PENSION AND GRATUITY TO EX-CSK
SHRI ED THUKRAL WHO RETIRED ON 30 NOV 1980

1. Reference your letter No. GI/C/Misc/86/XXXV dated 14-8-86
(copy attached) and CDA CC letter No. P/VII/2029 dated 21-8-89

2. The following documents in respect of Ex-CSK Shri ED Thukral
is forwarded herewith for your further action please:-

- (a) Service Book
- (b) IAFB-356 (2 copies)
- (c) Detail of non-qualifying service (2 copies)
- (d) Statement of service verification (2 copies)
- (e) Slip containing joint photographs (2 copies)
- (f) Slip of specimen signatures (2 copies)
- (g) Slip of containing particulars
of height and identification mark
and address after retirement (2 copies)
- (h) Slip containing height and mark
of identification and right
thumb impression of Smt Sarla
Thukral wife of Shri ED Thukral

3. Please ack receipt.

Encl: As above.

(AK Thukral)
Major
Officer Commanding

Copy to:-

CDA Central Command
Lucknow

CDA(Pend) Meerut

Shri ED Thukral
Pradeep Kishan 551 R/237
Nishi Nagar, Alambagh, Lucknow

Narain

T.C.
B. Shukla
Adm.

8/57

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990(L)
Narain Das Thukral Applicant

Vs.

Union of India & others.....Opposite Parties

Annexure No. A- 10

REGISTERED

From

N D Thukral (Ex CSK)
"Pardeep Niwas" 551K/237
Rishi Nagar, Alambagh, Lucknow (UP)

To

The CDA(Pension) - Kind attention.
Allahabad (UP)

Sub: Grant of pension/Gratuity in r/o Ex CSK N.D.
Thukral who retired on 31/11/80 (AN)

Sir,

This has reference to your No. GI/C/Misc²084/9-89/XXXV dated 17/10/89 in reply to OC Central Command Stationery Depot Lucknow letter No. NI/15/Adm(civ) dated 13 Sep 89, stating therein that the individual is not entitled for pensionary awards under existing rules without being confirmed in the post and he was subscriber of IOFWP Fund is not covered by para 2 of your letter No. GI/C/Nisc/84/XXXV dated 14 Ag. 86 which reads that the "individual was subscriber to IOWP Fund and has been paid the accumulation along with bonus and Govt. contribution. Hence he would not be entitled for pensionary benefits even if he retired as permanent employee unless he has opted to pensionary benefits before the date of retirement and Govt. contribution paid to him is resumed to the Govt. alongwith interest thereof from the date of payment to the date of deposit through M.R.O. and GCRC received from JCDA Funds Meerut."

In this connection I am enclosing herewith photostat
copies of the following letters on the subject for your

N.D.

P.C. Thukral
Adv.

-2-

perusal to justify the pension claim with effect from
23 Mya 68:-

- (1) OC Central Command Stationery Depot. Lucknow
letter No. NI/15/Adm(Civ dated 13 Nov 87 address-
ed to the JCDA(Funds) Meerut and copies endorsed
to CDA(P) Allahabad, CDA CC Lucknow and Sri
ND Thukral wherein it is clearly mentioned
that CDA(Pension) has ruled out vide his letter
NO. GI/C/Misc/84/XXXV, dated 14 Aug 86 that
in case the individual deposits the complete
accumulation bonus and Govt. contribution of
the IOFWP Fund No.217013 along with the interest
accrued till date, he will be entitled for
pension of CSK Grade III.
- (2) JCDA(Funds) Meerut letter No. FW/III/217013
dated 24/2/88 regarding issue of GCRC by them
if the entire Bonus (Rs.5764.00) along with
interest (to be calculated by Regional CDA i.e.
CDA CC Meerut/Lucknow is to be deposited in
favour of JCDA(F) Meerut.
- (3) OC Central Command Stationery Depot Lucknow
letter No. NI/15/Adm(Civ) dated 05 Aug 89
addressed to CDA CC Lucknow and copies endors-
ed to CDA(P) Allahabad and ND Thukral seeking
advice for further action that the above
individual is authorised to get pension for
the period 23/5/68 to 30/11/80 ~~ix~~ i.e. 12½
years or otherwise and procedure to be
followed to process his case further.
- (4) CDA CC Lucknow letter No. P/VII/2029 dated
21/8/89 to OC Central Command Stationery
Depot Lucknow in reply to his above letter

-3-

of 05 Aug 89 advising therein to forward all pension papers, service books of the individual duly completed to CDA(P) Allahabad for grant of pension and Gratuity since the individual has deposited Govt. contribution to IOFWP Fund along with interest through MRO and accordingly GCRC has been issued by the JCDA (Funds) Meerut vide his ~~xxx~~ registered letter No. FW/III/217013 dated 5 April 89 (Copy enclosed).

In view of the above facts and my resuming the Govt. contribution along with interest thereof through MRO and GCRC since received from the JCDA Funds Meerut. I would request you that my pension claim and service documents alongwith GCRC Certificate already returned to OC Central Command Stationery Depot Lucknow vide your letter No. GI/C/Misc/084/---89/XXXV dated 17/10/89 may kindly be called back for release of my pension and gratuity under para 2 of your letter No. GI/C/Misc/84/XXXV, dated 14 Aug 86 to finalise the pending issue for which I shall feel obliged.

Thanking you,

Yours faithfully,

(Ex CSK N D Thukral)
dated 27 Oct 89.

CO-CDA CC

Lucknow - together with a copy of CDA(P) Allahabad letter No. GI/C/Misc/084/9-89/XXXV dated 17 Oct 89. Further action as deem necessary may kindly be taken for settlement of the pension claim.

cc - Oc Central Command Stationery Depot.

Lucknow - w/r to CDA(P) Allahabad letter of 17/10/89.

It is requested that the matter may kindly be persued in the light of above letters for grant of pension and gratuity for which I am entitled under para 2 of CDA(P) Allahabad letter No. GI/C/Misc/84/XXXV dated 14 Aug 86 and your letter No. NI/15/Adm (Civ) dated 13 Nov 87.

M. N. S.

*N. C. Thukral
Adm.*

P/W

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990 (L)
Narain Das Thukral Applicant
Vs.
Union of India & Others Opposite Parties
Annexure No. A-11

From: N D THUKRAL (Ex-CSK)
"Pardeep Kumar" 551K/237
Rishi Nagar, Alambagh LUCKNOW (UP)

To: The CDA (Pension) - Kind Attn.
Alambagh (UP)

Sub: Grant of Pension/Gratuity in r/o Ex CSK N D THUKRAL
of Central Command Stationery Depot Lucknow who
Retired on 30/11/80 (NH)

Sir,

I invite your kind attention to my Appeal dated 27 Oct 89
requesting therein for grant of pension and gratuity in accordance
with para 2 of your letter No. 01/C/Misc/84/XXXV dated 14 Aug 86
on 21/11/86 the pending issue but so far I have neither received
any reply nor your pension order.

To mitigate financial hardship experienced as retired employee
I would request you to kindly review the case in the light of your
para 2 of your letter No. 01/C/Misc/84/XXXV dated 14 Aug 86 and
of Central Command Stationery Depot Lucknow which rule out my
entitlement for pension and gratuity. No. 11/15/Adm (a) of 13 Nov 87

In case you feel now that I am not entitled for pension
I may kindly be informed that the ruling given which reads as under
is not applicable in my case:-

"Individual was subscriber to IOWP Fun and has been paid
the accumulation along with bonus and Govt. contribution.
Hence he would not be entitled for pensionary benefits
even if he retired as permanent employee unless he has opted
to pensionary benefits before the date of retirement and
Govt. contribution paid to him is resumed to the Govt
alongwith interest thereof from the date of payment to the
date of deposits through M.R.O. and GCRC received from
JDA Funds Meerut".

As you are fully aware that the govt contribution
paid to me has already been resumed to the Govt. along with interest
thereof from the date of payment to the date of deposit through
M.R.O. issued by OC Central Command Stationery Depot, Lucknow and
G.C.R.C. already received from JDA Funds Meerut has been sent to
you along with the claim, returned to OC Central Command Stationery
Depot Lucknow vide your No. 01/C/Misc/084/9-89/XXXV dated 17/10/89
I would, therefore, request you again to findise the case
Immediately failing I would represent my case to Min of Defence
for review in the light of your rulings mentioned above as no justice
is being meted to me in spite of my repeated requests.

Thanking you and hope to receive your reply immediately.

Yours faithfully,

[Signature]

(N D THUKRAL) 12 Dec 89

cc- OC Central Command Stationery Depot,
Lucknow Cantt - with reference to my Appeal dated 27 Oct 89.
Kindly intimate the present position of my pensionary case
per return of post for which I shall feel obliged.

T.C
P. C. Thukral
Adm.

36
IN THE HON'BLE CENTRAL JUDICIAL OFFICE
CIRCUIT BENCH, LUCKNOW

O.A. No.

of 1990 (1)

Varan Das Thukral

vs.

Union of India & Others.....

Annexure No. A-12

From: N D THUKRAL (Ex-CSK)
"PARDEEP NIWAS" 551K237
Rishi Nagar, Alambagh LUCKNOW (UP)

To : The Officer Commanding
Central Command Stationery Depot
Lucknow Cantt

Sub: Grant of Pension/Gratuity in r/o Shri N D THUKRAL
of Central Command Stationery Depot Lucknow who
retired on 30/11/80(AN)

Sir,

This has reference to my Appeal dated 27 Oct 89 and subsequent reminder dated 12 Dec 89 requesting you to intimate the present position of my pensionary case which is pending since 30/11/80 but so far I have not received further communication in this respect.

In this connection I again invite your kind attention to your letter No.NI/15/Adm(Civ) dated 13 Nov 87 addressed to the JCDA(Funds)Meerut and copies endorsed to CDA(P)Allahabad, CDA CC Lucknow and to me wherein you have clearly mentioned that CDA(P) has ruled out vide his letter No.GI/C/Misc/84/XXXV dated 14 Aug 86 that in case the individual deposits the complete accumulation bonus and Govt contribution of the IOFNP Fund No.217013 along with interest accrued till date, he will be entitled for pension of CSK Gde III. Accordingly Govt. contribution paid to me was resumed to the Govt along with interest thereof from the date of payment to the date of deposit. A sum of Rs 10938.00 was deposited in favour of JCDA(Funds)Meerut vide TR No.6 dated 17 Nov 88 and GCN received from them is held by you.

I further invite your kind attention to CDA Lucknow letter No.P/VII/2029 dated 21 Aug 89 addressed to you and copy to me wherein you were advised to forward all pension papers, service book of the individual duly completed, GC.R.C. etc to CDA(P)Allahabad urgently for grant of pension and Gratuity to the individual with reference to CDA(P)Allahabad letter No.G-1/C/Misc/84/XXXV dated 14 Aug 86 which you did vide your letter No.NI/15/Adm(Civ) dated 13 Sep 89.

In reply to your letter of 13 Sep 89, CDA(P)Allahabad vide their letter No.GI/C/Misc/884/9-89/XXXV dated 17 Oct 89 received with your letter No.NI/15/Adm(Civ) dated 26 Oct 89 informing me that my request for grant of pension and gratuity has not been accepted by CDA(P)Allahabad which is really very surprising. This shows that CDA(P) is dishonouring their rulings already given vide their letter No.GI/C/Misc/84/XXXV dated 14 Aug 86 and debarring me from pensionary benefits which is not justified and needs review of the case.

In order to avoid further delay in finalisation, I would request you once again to kindly take up the case in the light of above rulings given by CDA(P)Allahabad and CDA(CC)Meerut Lucknow as I deposited a sum of Rs 10938.00 in favour of JCDA(Funds)Meerut against M.R.O. issued by you which is not due to my fault but it was fully covered by the rulings of the CDA(P) and CDA(CC)Meerut.

In case you still feel that I am not entitled, I may kindly be informed so that I should seek legal advice in the matter for finalisation.

Thanking you,

Yours faithfully,

(N D Thukral) 16 Feb 90.

N.C.
B.D. Thukral
Adm.

cc: The CDA(P)
Allahabad

- with reference to my letter No.Nil dated
12 Dec 89 inviting your attention to my appeal
dated 27 Oct 89 but so far I have not received
your further communication and final decision
with regards to my pensionary benefits.

I shall be grateful if early decision is given
in the matter as I am feeling great difficulty
in pulling on further without pensionary benefits.

Nil

T.C.
H. Shukla
Adm.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990(L)
Narain Das Thukral Applicant
Vs.
Union of India & Others Opposite Parties
Annexure No. A-13

REGISTERED

From: N D THUKRAL (Ex-Csr)
"PARDIP NIKAS" 551K/237
Aish Bagar, Alambagh, LUCKNOW (UP)

To: The Officer Commanding
Central Command Stationery Depot,
LUCKNOW CANTT

Subject: Grant of Pension and Gratuity

Dear Sir,

I invite your kind attention to my Appeal dated 14 Feb 90 wherein I have explained my whole case regarding pension and gratuity for which I am entitled under the existing instructions. In this letter I requested for taking up the case in the light of rulings given by CMA(P) Allahabad vide their letter No. CI/C/Misc/84/XXXV dated 14 Aug 86 but so far no action appears to have been taken.

In this connection I had deposited a sum of Rs 10918.00 on MRO issued by you in favour of JCA (Funds) Meerut for which GCRC was issued and is held by you.

To avoid unnecessary delay, I would request you once again to give reply of my last letter dated 16 Feb 90 about the entitlement of pension and gratuity since 01 Dec 80 which needs your kind attention for finalisation.

Thanking you,

Yours faithfully,

(N D Thukral) 23 Jun 90

cc: The CMA(P)
Allahabad (UP)

- with reference to my letter dated 12 Dec 89 and dated 16 Feb 90 requesting therein with regards to acceptance of my claim in the light of your letter No. CI/C/Misc/84/XXXV dated 14 Aug 86 since I had deposited the complete accumulation bonus and Govt contribution of the IOFMP Fund No. 217013 along with interest accrued on MRO as desired in your above letter and necessary GCRC from JCA(Funds) Meerut obtained. I shall be grateful for early finalisation of my pending case since 1 Dec 80.

P. C
B. Chakraborty
Adv.

39
V/5

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990
Narain Das Thukral Applicant
Vs.
Union of India & Others Opposite Parties
Annexure No. A-14

Army HQ

Ordnance Services Directorate (Os20)

Master General of the Ordnance Branch

Army Hq

HQ PO New Delhi -110001 5th Sep.80

A/06729/Os20

OSC All Sty. Depot

1-12-80

Sub: Conversion of temporary post into
permanent ones

1. It is to inform you that all category of civilian personnel authorised in the establishment of your depot will now be treated as permanent except 4 clerks in Eastern Command Stationery Depot and 3 clerks in Northern Command Stationery Depot. Action to convert these post of clerks into permanent will be initiated after Apr.82, that is after completion of 3 years. Govt. letter on the subject is under issue. A copy of the same will be sent to you shortly.

2. The above is for your information

Sd/-

M/L
Copy to: BAO C

HQ

P.C.
H. Shukla
Adn.

Appendix B

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 166 of 1990(L)

1/3

ND Thukral

..... Applicant

Versus

Union of India and others Respondents

1990
AFFIDAVIT
90 M
DIST. COURT
U. E.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NOS 1 & 2

I, Major Ajai Kumar Thakur aged about 47 years, son of Shri Lattar Thakur ~~at present post~~ as Officer Commanding Central Command Stationery Depot, Lucknow do hereby solemnly affirm and state as under :-

2. That the deponent is the ~~an~~ opposite party No. 2 and he has been authorised to sign this counter affidavit on behalf of the Respondents.

3. That the deponent has read and understood the contents of application filed by the applicant as well as the facts deposed to here in under in reply thereof.

4. That the deponent is well conversant with the facts of the case.

Filed today
17/4/91

[Signature]

[Signature]

5. That before giving parawise comments it is pertinent to give brief history of the case as under:-

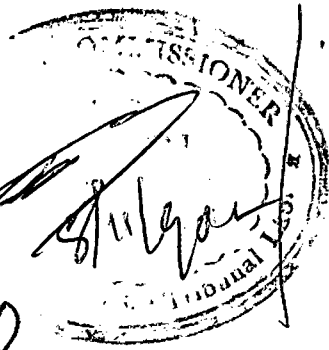
(a) That this is an application filed by the applicant against the order of Controller of Defence Accounts (Pension), Allahabad letter No. GI/C/Misc/ 884/9-89/XXXV dated 17 October 1989 that the applicant is not entitled to get any pensionary benefits as he was superannuated from civil service without any confirmation and he was subscriber of I.O.F.W.P. Fund.

(b) That the applicant, an Ex-serviceman was re-employed on 23 May 1968 as Lower Division Clerk in Reserve Supply Depot, ASC Lucknow and was transferred to Central Comm and Stationery Depot, Lucknow on 28 Sept. 1968 as Temporary LDC.

He was re-categorised from LDC to Civ. Asstt. Store Keeper against an vacancy as the LDC post was declared surplus.

(c) That later on he was promoted from Civilian Asstt. Store Keeper to Civ. Store Keeper Grade-III. He was retired from service on 30.11.1980 after completion of 12 -1/2 years of service.

(d) That the applicant retired from service without any pensionary benefits as the



the post of Civilian Store Keeper was not confirmed by Army HQrs. Prior to 1972, the Government servant were given the opportunity to opt either for pensionary benefits or for ICWP Fund.

The applicant opted for ICWP Fund and afterwards he was paid all the dues on this account on his retirement. The applicant was informed that he is not entitled for pension as he had opted for ICWP Fund during service vide CDA(P) Allahabad letter No. GI/C/Misc/84/XXXV dated 14.8.86. A photostat copy of the said letter is being enclosed herewith as Annexure C.1 to this affidavit.

(a) That when the applicant approached Prime Minister of India vide his application dated 11.8.1986 for pensionary benefits, the CDA(P) Allahabad advised ~~xxxx~~ the office of the deponent to close the case, as the applicant is not entitled for pensionary benefits vide letter No. GI/C/Misc/XXXV dated 14.8.86 with a copy to the applicant.

(b) That on receipt of this letter, the applicant approached Controller General Defence Accounts, New Delhi for grant of pensionary benefits with a copy to other connected establishments but no one confirmed for admissibility.

(f) That after protracted correspondence with all the concerned CGDA & CDAs, a letter from CDA(P) Allahabad was issued stating that the applicant can be allowed pensionary benefits provided the deposits the amount withdrawn on his account of IOFWP and interest thereon till the date of deposit.

(g) That the office of the deponent approached the Joint Controller of Defence Accounts (F), Meerut vide letter No MI/15/Adm(Civ) dated 13 Nov. 1987 explaining the whole case to furnish decision about this payment of money to the Government, in turn the JCDA(F) replied that interest may be find out and the total amount be deposited in Government treasury. Accordingly the case was taken up with JCDA(Funds) Meerut and after a prolonged correspondence the rate of interest was informed to the office of the deponent by their D.O. No.FW/III/217033 dated 28 October 1988. A copy of the said letter is being enclosed herewith as Annexure no.C.2 to this counter affidavit.

(h) That on receipt of reply vide D.O. letter No.P/VII/2029 dated 15 October 1988, the office of

the deponent approached CDA, Lucknow for intimating the total amount including interest to be paid in Government Treasury. CDA Lucknow forwarded the calculation sheet vide their letter No.P/VII/2029 dated 15 November 1988. The applicant was informed accordingly vide the office of the deponent letter No.NI/15/Adm(Civ) dated 19 July 1989 and amount was deposited to Government vide TR No.6 dated 16 November 1988 and DCRG received. The Treasury Receipt was sent to JCDA(Funds) Meerut vide letter No.NI/15/Adm(Civ.) dated 24 Nov. 1988.

(ii) That the case was forwarded to CDA(P) Allahabad alongwith the relevant documents of the applicant for granting his pensionary benefits on advice of CDA,

Lucknow vide their letter No.P/VII/2029 dated 21.8.1989

and the documents were forwarded to CDA(P) Allahabad

vide their letter No.P/VII/2029 dated 21.9.89

but the same was turn down vide CDA(P) Allahabad

letter No.6510/Misc/88418-89 /XXXV dated 17 Oct. 89.

The applicant was informed accordingly vide

letter No.NI/15/Adm(Civ) dated 26.10.1989.

✓

A copy of the said letter is being filed herewith as Annexure no.C-3 to this counter affidavit.

Subsequently the case was filed in the Hon'ble Tribunal by the applicant.

6. That the contents of para 1 to 3 are formal and as such needs no comments.

7. That the contents of para 4(i) of the application need no comments from the answering Respondents.

8. That the contents of para 4(ii) and (iii) of the application are matter of ~~xx~~ facts and as such no comments are required.

9. That in reply to the contents of para 4(iv) of the application it is submitted that re-categorisation and retirement as stated by the ~~applicant~~ applicant are not disputed. As regards his option is concerned, he opted for IOFWP Fund and drawn all accumulation of fund including bonus thereof at the time of retirement. Hence the question of his option for pensionary benefits does not arise as per existing rules.

10. That the contents of para 4(v) of the application are not disputed.

11. That the contents of para 4(vi) of the application needs no comments.

12. That the contents of para 4 (vii) of the application needs no comments being the facts of the case but however it is submitted that the contents of the said letter were wrongly interpreted.

13. The the contents of para 4(viii) of the application needs no comments.

14. That the contents of para 4(ix) of the application needs no comments. In this connection a copy of JCDA(F)

Meerut letter No. F.W/III/217013 dated 15 Dec 1987 is being filed herewith as Annexure No. C-4 to this counter affidavit.

15. That the contents of para 4(x) to 4(xvi) of the application are being facts, needs no comments from the answering opposite party No. 2.

16. That the contents of para 4(xvii) of the application needs no comments.

17. That the contents of para 4(xviii) to (xx) of the application need no comments from the answering ~~px~~ opposite party No. 2

18. That in reply to the contents of para 4(xxi) of the application is is submitted that since the

applicant was declared surplus in clerical cadre being junior most and later on adjusted as ^{plea} civilian assistant storekeeper hence ~~xxxx~~ of ~~xxxx~~ confirmation not admitted in accordance with Army H.Qrs. letter mentioned by the applicant in ~~xxx~~ this paragraph.

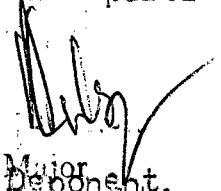
19. That the grounds taken by the applicant are not tenable in the eyes of law.

20. That in view of the facts, reasons and circumstances stated in the foregoing paragraphs, the application filed by the applicant is liable to be dismissed with costs to the opposite parties

1 & 2.


Lucknow,

Dated: 8/11/90.


Major Deponent.
Officer Commanding
Central Command Stationery Depo-

Verification.

I, the above named deponent do hereby verify that the contents of paragraph 1 to 3 are true to my personal knowledge, those of paragraphs 4 to 18 are believed to be true by me on the basis of records and information gathered and those of paragraphs 19 & 20 are also believed by me to be true on the basis of legal advice.



No part of the affidavit is false and nothing material has been concealed.

Lucknow, 8-11-90

Dated: 8th Oct. 1990

Deponent.

Central Command Stationery Depot.

I identify the deponent who has signed before me and is also personally known to me.

(VK Chaudhāri)

Addl Standing Counsel for Central Govt
(Counsel for Opp. party No.182)

Lucknow,

Dated: 8/10/90

Solemnly affirmed before me this ___ day of ___ 1990 at ___ am/pm by the deponent who has been identified by Shri VK Chaudhari, Advocate, High Court, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me.

Dated: 8th Oct. 1990

Oath Commissioner.

Drafted by me

(V. R. Chaudhari)

Addl. Cen Govt. Standing Counsel
High Court, Lucknow Bench

(COPY)

Annexure C-1 1/6

No. GI/C/MISC/84/XXXV
Office of the C.D.A. (Pensions),
Allahabad-1 Dt. 14.8.86

To

The O.C.
HQ, Central Command,
Stationery Depot,
Lucknow.

Subject : Grant of pension/gratuity to re-employed
Military Pensioner CSK. GDE III N.D. Thukral.

Reference : Your letter No. NI/15/69/Adm Civil dt. 14.8.85
and individual application No. Nil dt. 28.3.86

It is seen that the above named individual has supernuated from his civil service 1.12.80 without being confirmed in the post. He, therefore, is not entitled for pension/gratuity. He is however entitled for terminal benefits which may be claimed from regional C.D.A. if otherwise in order. It may be further stated that necessary instructions have already been issued to T.O. Lucknow for the payment of graded relief/adhoc relief on mily pension vide out No. AT 7/I/86/55 dt. 16.8.85. Since the individual is not entitled for pension/gratuity for his civil service being not confirmed in my part, the question of payment of graded relief on civil Pension does not arise.

2. It is further seen from your letter No. NI/15/57/Adm (Civ) dt. 15.2.85 addressed to stationery depot, Lucknow and (Copy endorsed to this office that the individual was subscriber to Lowp Fund and has been paid ~~that~~ accumudation alongwith bonus and Govt contribution. Hence he would not be entitled for pensionary benefits even if he retired as permanent employee unless he has opted pensionary benefits before the date of retirement and Govt. contribution paid to him is resumed to the Govt, alongwith interest ~~th~~ thereof from the date of payment to the date of deposit through MRO and GCRC received from JCDA Funds Meerut.

A.O. (Pensions)

Copy to :

1. The C.G.D.A., West Block-V, R.K. Puram, New Delhi - 66 for information with reference to his No. AT/CC/P-3249 dt. 25.1.86 and No. AT/CC/P-1229/civil dt. 10-7-86 In view of the position stated above the complaint may be treated as closed.

2. Shri ND Thukral, 551/K/237 Pradeep Niwas, Rishi Nagar, Alambagh, Lucknow-for information w.r.t. his above quoted letters.

The OI/C, AT-7 sec. Local-for information wrt his No. AT-7/I/P RE/55/Vol.I dt. 12.3.86 forwarding the CGDA complaint dt. 25.1.86 quoted above. Since the individual has not been granted civil pension as stated above, the question of authorisation of graded relief on civil pension has not arise.


A.O. (Pension)

(Copy)

Annexure C-2

Brij Mohan
A.O.

DO No FW/III/217013
O/o The JCDA (Funds)
Meerut

28-10-88

Dear

Please refer to your DO letter No P/VII/2029 dt 11-10-88 addressed to Shri SC Misra AO & Copies endorsed to Central Command Stationery Depot, Lucknow and Shri ND Thukral regarding calculation of interest on Rs. 5764/= paid to the subscriber on account of Bonus IOFWP fund A/c. No 217013

The yearwise rates of interest are as under :-

81-82)
82-83) - 9%
83-84) - $9\frac{1}{2}\%$
84-85) - 10%
85-86) - $10\frac{1}{2}\%$
86-87 & - 12%
onward

Please calculate the exact amount of interest on Rs. 5764/= accordingly-

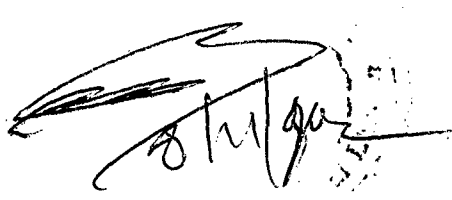
Yours

Sd/- x x x x x x

Shri Mohan Lal
AO
O/o CDA (CC)
Lucknow

Copy to :-

1. OC, Central Command
Stationery Depot - for informatin pl.
Lucknow
2. Shri ND Thukral (Ex-CSK)
551 K/237 Pradeep Niwas - for information please.
Rishi Nagar, Alambagh
Lucknow.



Annexure C-3

(COPY)

Tele Mil : 2773

Central Command Stationery Depot
Post Box No. 1009
Lucknow-2

NI/15/Adm(Civ)

26 Oct 89

Shri ND Thukral
"Pradeep Niwas"
551 K/237
Rishi Nagar, Alambagh
Lucknow

GRANT OF PENSION AND GRATUITY

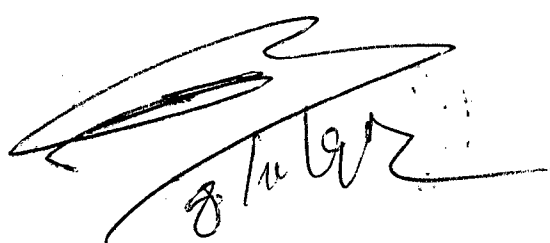
1. Your request for grant of pension and gratuity has not been accepted by CDA(P) Allahabad vide their letter No. GI/C/Misc 884/9-89/XXXV dated 17 Oct 89 (Copy attached). However your terminal benefits regarding subscription of IOFWP Fund are being claimed at this end.

Sd/- x x x x x x x x x x
(TEK RAM)

OOC

OFFG OFFICER COMMANDING

Encl : One



Annexure C-4

Copy of JCDA(F) Meerut letter No. PW/111/217013 dated 15-12-87

To

The CC
Central Command Stationery Depot
Lucknow

Sub:- Grant of pension and payment of gratuity to Shri
ND Thukral IOFWP Fund Account No. 217013

Ref:- Your No. NI/15/87 dated 13-11-87 addressed to this
office and copy to others.

In this connection it is stated that Shri Thukral has
already been paid a sum of Rs 5764/- on account of bonus ie
Govt contribution vide this office No even dated 28-8-82 .
Therefore GCRC which is in lieu of bonus cannot, ~~it is regret~~
it is regretted be issued until bonus amount already paid
plus interest thereon from the date of payment of bonus is
deposited in TR.

To overcome the problem it is suggested that interest
may please be got calculated from CDA CC Lucknow ~~in terms~~
in terms of CGDA New Delhi letter No. A/IV/13604-PC-I
dated 7-10-71 and amount be deposited in TR. On receipt of the
TR requisite GCRC would be issued.

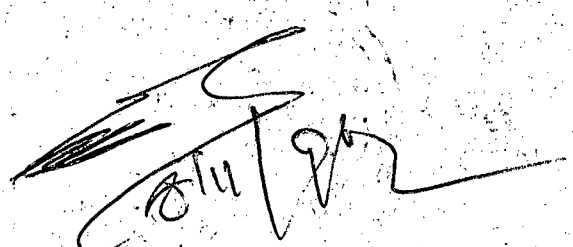
Sd/- Account Officer

Copy to:-

The CDA CC
Meerut

For information with a request to calculate the
interest as laid down the CGDA New Delhi letters
enumerated above.

Sd/- Accounts Officer



2/5/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
Circuit Bench, Lucknow.

O.A. No. 235 of 1990 - L

N.D. Thukral Applicant
Versus
Union of India and others .. Respondents.

Rejoinder Reply to the Counter
Reply filed on behalf of the
Respondent No.1 and No. 2.

.....

I, N.D. Thukral, aged about 69 years, son
of late Sri G D. Thukral, resident of 551-K/237,
Pardeep Niwas, Rishinagar, Alambagh, Lucknow,
~~the~~ do hereby solemnly affirm and state as under : -

1. That ~~the~~ ~~am~~ I am the applicant in the above
noted case and as such I am fully conversant
with the facts and circumstances of the case
narrated here in under : -
2. That the contents of paras 1, 2, 3 and 4 of
the Counter Reply need no comments.
3. That the contents of para 5 of the Counter
Reply are being replied as under : -
- 7/9/90

5 (a) : That in reply to para 5(a) of the Counter Reply it is stated that the present application filed by the applicant is against the impugned order dated 17th October, 1989 and 26th October, 1989 , contained in Annexure No.1 and Annexures No.2 to the application. It is further submitted that the applicant is very much entitled to get the pensionary benefits as after the entire formalities he refunded Rs.10,938/- ^{IOFWP} of/Fund Account No. 217013 vide MRO dated 16th November, 1988 issued by O.C. Central Command Stationery Depot. True copy of the MRO dated 16th November, 1988 is being annexed herewith as Annexure No. R-1 to this Rejoinder Reply.

It is worth mentioning that in view of the order dated 14th August, 1986 contained in Annexure A-3 to the application, confirmation on the post in question has got no effect for giving pensionary benefits. Anything contrary to it is denied.

5 (b). That the contents of para 5(b) of the Counter Reply need no comments. It is further added that the contents of para 4(iii) of the application are reiterated.

5 (c) That the contents of para 5(c) of the Counter Reply need no comments.

Noted

5 (d) That the contents of para 5 (d) of the Counter Reply are incorrect as alleged, hence are denied as stated. It is further submitted that the applicant never opted for IOFWP Fund. Whenever he was told that the pensionary benefits are also available to him, he applied for the same and after a lot of correspondence his claim for pensionary benefit was accepted and after entire considerations he was asked to deposit back IOWPF alongwith the fixed rate of interest vide MRO dated 16th November, 1988 for enabling the opposite parties to provide pensionary benefit to the applicant. It is wrong to say that the applicant had not opted for pensionary benefit during his service period as on 20th November, 1979 the applicant gave his Option for the Pensionary benefits and, therefore, he discontinued to draw his remaining pension with effect from 1st November, 1980 and deposited his pension back and discharge certificate with the opposite parties.

It is further submitted that vide letter dated 13th November, 1987, contained in Annexure A-4 to the application, the applicant deposited the entire amount of IOWPF fund alongwith the interest as stated in the said letter. Hence in view of para 2 of the letter dated 13th November, 1987, the applicant is

NOTED

very much entitled to get the pension of
CSK Grade III.

5 (e) .That in reply to para 5(e) of the Counter
Reply, it is stated that after the letter
dated 14th August, 1986, the applicant further
represented this matter on which the Order
dated 13th November, 1987 (contained in
Annexure A-4 to the application) was passed,
which was duly complied with by the applicant.
Therefore, the letter dated 14th August, 1986
has got no relevance at this stage. Anything
contrary to it is denied.

5 (e). That the contents of para 4(e)(2nd)-renumbered,
are wrong, hence denied. It is further stated
that the letter dated 13th November, 1987
confirms the admissibility on the part of the
opposite parties as the said letter was duly
complied with by the applicant .

5 (f) That the contents of para 5(f) of the Counter
Reply are admitted. It is further submitted
that in view of letter of CDA(P) dated 14th
August, 1986 and Commanding Officer's letter
dated 13th November, 1987, the applicant
deposited the entire Government contribution
paid to him alongwith upto date interest. As
such in view of the same, the applicant is
very much entitled to get the pensionary
benefits.

NOTED

Further, it would not be out of place to mention here that after depositing Rs.10,938/- in favour of the JCDA (Funds) Meerut, vide TR No. 6 dated 17th November, 1988 the Accounts Officer issued a Clearance Certificate dated 5th April, 1989 which is Annexure No.A-6 to the application. In view of the same also the applicant is very much entitled to get the pensionary benefits.

5(g) That the contents of para 5(g) of the Counter Reply are admitted. It is further submitted that after considering the letter dated 13th November, 1987, the JCDA (Funds) gave a Chart for the calculation of the interest on the basis of which the interest was calculated and later on the entire amount was deposited by the applicant as stated in the preceding paras of this Rejoinder Reply.

5(i) That the contents of para 5(i) of the Counter Reply are admitted. It is further submitted that once the CDAP, Allahabad had stated in his letter dated 14th August, 1986 that if the applicant had opted for Pensionary Benefits prior to his retirement only then the applicant becomes entitled for the Pensionary benefits, but a further condition was imposed that the entire Government contribution be deposited back alongwith upto date interest and conditions were fulfilled by the applicant;

NOTED

as such the Rule of Estoppel operates against the opposite parties as they cannot resile from their own commitments and stand taken earlier.

4. That the contents of para 6 of the Counter Reply need no comments.
5. That the contents of para 7 of the counter reply need no comments.
6. That the contents of para 8 of the counter reply need no comments.
7. That a part of the contents of para 9 of the counter reply are wrong, hence denied and in reply thereto it is stated that the applicant opted for pensionary benefits prior to his retirement dated 30-11-1980 and on the basis of which the entire matter was considered and lastly the applicant was asked to deposit the Government contribution back to the Treasury alongwith upto date interest so as to enable the opposite parties to give pensionary benefits to the applicant. In case anything ~~is~~ is still disputed further by the opposite parties, then the applicant would produce the relevant records before the Hon'ble Tribunal as and when required.
8. That the contents of para 10 of the counter reply need no comments.
9. That the contents of para 11 of the counter reply need no comments.

NOTES

10. That the contents of para 12 of the counter ~~affix~~ reply need no comments.
11. That the contents of para 13 of the counter reply need no comments.
12. That the contents of para 14 of the counter reply need no comments. It is further submitted that in view of the letter dated 15th December, 1987, proper interest was calculated and the amount was deposited in the TR by the applicant and only then the GCRC certificate was issued to the applicant.
13. That the contents of para 15 of the counter reply need no comments.
14. That the contents of para 16 of the counter reply need no comments.
15. That the contents of para 17 of the counter reply need no comments.
16. That the contents of ~~the~~ para 18 of the counter reply are wrong, hence are denied and in reply thereto it is stated that the contents of para 4(xxi) of the application are reiterated.
17. That the contents of para 19 of the counter reply are wrong, hence denied and in reply thereto it is submitted that the Grounds taken by the applicant in his application are very much sustainable in the eyes of law and the application of the applicant deserves to be allowed with costs throughout.
- 17/01/88

18. That the contents of para 20 of the counter reply are wrong, hence denied and in reply thereto it is stated that in view of the facts, circumstances and reasons stated in the application as well as in the instant rejoinder reply, the application of the applicant is liable to be allowed with costs to the applicant against the opposite parties.

Dated Lucknow :

April 4 1991.

N. K. S.
Applicant.

Verification

I, the applicant above named, do hereby verify that the contents of paras 1 & 2 — of this rejoinder reply are true to my personal knowledge and those of paras 3 & 18 of the rejoinder reply are true on the basis of knowledge derived from the perusal of records relating to the instant case except legal averments which are believed by me to be true on the basis of legal advice. No part of it is false and nothing material has been concealed.

Dated Lucknow.

April 4 1991.

N. K. S.
Applicant

Through

B. K. Shukla
(B.K. Shukla)

Counsel for the Applicant.

Annexure R-1

Depositor's Copy

स्थान/STATION Lucknow

16-11-88
Dated: 16-11-88

संख्या पं/७७.

The Officer in Charge of The Treasury
The State Reserve Bank (12)

पुष्प विवरण (पृष्ठ)

(1) The undersigned has received from Shri K.D. Thakral
Minister, Government of India, one hundred thirty eight (138)
cheques on account of ...
the amount of Rs. 1,00,000/- (one lakh rupees) pertaining to the ...
JCDACF) Meerut.
Do No FW/111/2170/3 Ar 28 Oct 68

Rs. 10938-00

OFFICER COMMANDING
CENTRAL (J) STY DETO

RECEIVED
 भारतीय स्टेट बैंक
 भारतीय स्टेट बैंक
 For STATE BANK OF INDIA
 dated.....
 Rupees.....
 470938=
 Treasury (N)
 Bank

(क) वेंचर का हस्ताक्षर होना चाहिए ।
 (ख) Enquire the account officer
 (ग) जो भी धन इस खाते में जमा किया जाय उसका खाता नंबर और तारीख को वेंचर के साथ जोड़ कर वेंचर के साथ ही भेजना चाहिए ।
 (घ) The amount should be indicated both in words and figures. Care should be taken that the amount is correctly indicated. Rule 71(V) F.R. Part II should be followed.
 (ङ) The bill particulars i.e. No. and Date of Vouchers on which amount is deposited should be given.
 (च) The name of the Defence Accounts Officer in whose favour the amount is deposited should be given.
 (ज) - (1) लिमिटेड वेंचर का प्रतीक करने हुए कार्डन प्रकाश, मास्टर कार्डन, वेंचर, किया जाये वेंचर का नंबर 1388 वर्ष 1941 देवे ।

Na 16

SCN.14
17/2/92
16/4/92

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

O.A. No. 235/1990 (L)

N. D. THAKRAL

... APPLICANT

Vs.

UNION OF INDIA & OTHERS

..... RESPONDENTS

SUPPLEMENTARY AFFIDAVIT

I, N.D. Thakral, aged about 69 years s/o late
G. D. Thakral r/o 551 ka/237, Pardeep Niwas, Rishi
Nagar Alambagh Lucknow, do hereby solemnly affirm and
state as under:-

That I am the applicant in the above noted
case and fully conversent with the facts and circum-
stances of the case narrated herein under.

- Filed today*
syB
17/2/92
1. That in connection to para-4(III) of the
application it is stated that a copy of the application
given by the applicant for the purposes of option for
taking pensionery benefits is being annexed herewith.
The said application dated 20.11.79 clearly indicates
and confirms that the applicant had given option for
getting pensionery benefits prior to his retirement
from Army Civil Services. A photo copy of the applica-
tion dated 20.11.79 is being annexed as annexure no. 2
- Noted*

SR-1 to this affidavit.

Lucknow.

Dated: 18.9.31

Noted
APPLICANT

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

I, the applicant above named do hereby
verify tha the contents of paras _____
_____ of this ^{Supplementary} ~~original~~ reply are true to my perso-
nal knowledge and those of paras 1 _____
^{Supplementary} ~~original~~ reply are true on the basis of knowledge
derived from perusal of records relating to the
instant case except legal averments which are
believed by me to be true on the basis of legal
advice. No part of it is false and nothing
material has been concealed.

Lucknow.

Dated:- 18.9.31

Noted
APPLICANT

THROUGH

B. K. Shukla

(B. K. SHUKLA)

Advocate

Counsel for the applicant.

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. 235 of 1990
Narain Das Thukral Applicant
Vs.
Union of India & Others Opposite Parties
Annexure No. 8-10

From EX-JC 25092 Nb Sub(Now CSK Gde III)
NARAIN DASS THUKRAL
CENTRAL COMMAND STATIONERY DEPOT LUCKNOW(UP)

To The CDA(Pension)
ALLAHABAD

Through: The Officer Commanding
Central Command Stationery Depot
LUCKNOW

COUNTING OF FORMER ARMY SERVICE IN PRESENT EMPLOYMENT

Sir,

I was enrolled in the ASC(Sup)Branch with effect from 20 Sep 1940. After completion of 28 years of army service I was transferred to pension establishment with effect from 20 Sep 68. My army pension @ Rs 92.00 per month was sanctioned vide your No. RV/AM/-Ord/01-11 1 dated 1/1/70.

During my leave pending retirement I was re-employed with effect from 23 May 68 as LDC and subsequently was re-categorised as CSK Gde III.

After completion of 12 yrs, 6 months and 9 days service in the present category I will be due again for retirement with effect from 1 Dec 80.

As there is no break in service between my army and civil service, I have opted to draw one pension after refund of my army pension in accordance with CSR Art 349, para 21.

In view of the above, it is requested that necessary sanction for counting of my former army service from 20 Sep 40 to 19 Sep 68 with the present civil service be accorded as early as possible.

Thanking you.

Yours faithfully,

N D Thukral
LUCKNOW.
20 Nov 79.

N D Thukral
CSK Gde III
(N D THUKRAL)