

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 421/94

Transfer Application No: --

DATE OF DECISION: 17-10-94

Ashesh Dasgupta

Petitioner

Mr. S.P. Kulkarni

Advocate for the Petitioner

Versus

Union of India & Ors.

Respondent

Mr. R. K. Shetty

Advocate for the Respondent

CORAM :

The Hon'ble Shri M.R. Kolharkar, Member(A)

The Hon'ble Shri --

1. To be referred to the Reporter or not?

2. Whether it needs to be circulated to other Benches of the Tribunal?

M.R. Kolharkar
(M.R. KOLHARKAR)
M(A)

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.421/94

Ashesh Dasgupta
Subhash Nagar,
Opp. Jawahar Hotel,
Ulhasnagar - 421 003. .. Applicant

-versus-

1. Union of India
through
General Manager,
Machine Tool Prototype Factory,
Ambernath 421 502.
2. Secretary
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta - 700 001.
3. Chief Controller of Accounts
(Pension)
Allahabad - 211 001. .. Respondents

Coram: Hon'ble Shri M.R.Kolhatkar,
Member(A)

Appearances:

1. Mr.S.P.Kulkarni
Counsel for the
Applicant.
2. Mr.R.K.Shetty
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 17-10-94
(Per M.R.Kolhatkar, Member(A))

The applicant was appointed as Fitter grade 'C' on 27-3-1980 in Gun Carriage Factory, Jabalpur. He applied for service in the Air India and on selection he was allowed to resign w.e.f. 28-3-1990. Thus the applicant had put in more than 10 years of service.

In terms of Government of India D.P. & A.R.
U.O.No.2106/Pension unit/84 dated 9-5-1984
para-2 on page 411 of Appendix 12 of C.C.S.
Pension Rules,1972 a central government
employee on permanent absorption in public
sector undertaking is entitled for pro-rata

- : 2 :-

~~pensionary~~ benefit if he had put in 10 years of qualifying or more ~~/~~ service. The applicant has impugned letter dated 7-1-1994 which refused to grant him pro-rata pension. The reliefs prayed by the applicant are to quash this letter and to direct the respondents to grant pro-rata pension and difference on DCRG actually due and DCRG paid and payment of interest on the difference between lumpsum pension minus the gratuity actually paid.

2. Today we have heard both the parties and it appears that this matter could be finally disposed of by issuing a direction. We, therefore, dispose of the same by issuing the following order :

O R D E R

The respondents are directed to consider the representation made by the applicant for grant of pro-rata ~~monthly~~ pension ^{consideration} in ~~respect~~ of his service rendered in central government prior to joining the public sector undertaking. The applicant may complete the requisite formalities including filing of option within a fortnight of receipt of this order. Respondents may thereafter process the matter further so that the PPO is issued within five months of receipt of the option, and other proforma duly filled in. It is open to the respondents to adjust the various ^{earlier} terminal benefits which have been ~~/~~ given to ~~him and to which he is~~ not entitled on receipt of pro-rata ^{monthly} pension ~~/~~ against the payable to him arrears of pension ~~/~~ from 1-10-1990 till the date of issue of PPO. We specifically clarify

(7)

- : 3 :-

that either side would not claim any interest provided that the PPO is issued and net arrears paid to applicant within the time limit indicated. On failure of the respondents to issue PPO and to pay the arrears of pension within the time limit indicated the applicant would also be entitled to receive the interest @ 12% on the net arrears payable to him.

No order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
Member(A)

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