

FROM NO. 42
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GWALIATI BENCH:

ORDERSHEET

1. Original Application No. SI / 06

2. Misc Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(S) D. D. Basumatary

Respondents U.O. I. Army

Advocate for the Applicant(S) M. Chanda, G.N. Chakraborty, S. Nath
P. Sankar, A. Sengupta

Advocate for the Respondent(S) C.A. S. L.

Notes of the Registry	Date	Order of the Tribunal
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27.2.06.

Present: Hon'ble Mr. K. V. Sachidanandan,
Vice-Chairman.

The claim of the applicant is that he retired from Ministry of Information & Broadcasting, Central Government Department and he had come from the State Government, Government of Tripura. The contention of the applicant is that he has been working in the State Government from 1966 to 1973. He applied for the post of Exhibition Assistant in the Central Government under the Ministry of Information and Broadcasting through proper channel, but for the period from 1966 to 1973 the Respondent have not been given the pensionary benefits of the applicant. Accordingly, he has filed this O.A. against the action on the part of the respondents.

Heard Mr. M. Chanda learned counsel for the applicant and Ms. U. Das learned Addl. C.G.S.C. for the Respondents.

contd/-

This application is in the
of filed/C. I. : Rs. 30/-

deposit / DD

No. 83 58201

Dated 24.2.06.

W. J. M.
27.2.06
S. D. Dy. Registrar
D. D.

Mention in court.

At comply order date
22.2.06.

NS
27.2.06

27.2.06.

Heard Mr. M. Chanda learned counsel for the applicant and Ms. U. Das learned Addl. C.G.S.C. for the Respondents. There is a larger issue involved in the matter.

Application is admitted. Issue notice on the Respondents.

Post the matter on 12.4.06.

Notice & Order
sent to D/section
for issuing to
resp. nos. 1 to 6
by regd. A/D post.

~~1/2/06~~ D/No=275 to 280
2/3/06. Dt= 6/3/06.

lm

Vice-Chairman

Notice duly Served
on resp. nos 1, 2, 3, 4.

~~22/3/06~~

3-5-06

4.5.2006 Ms. U. Das, learned Addl. C.G.S.C. submits that pensionary and MRA benefit have already been paid to the applicant. Mr. M. Chanda, learned counsel for the applicant wanted to get instruction on this point. Let it be done. Post on 8.6.2006. In the meantime respondents are directed to file reply statement.

① Notice duly served on
R.no. 1 to 4.
② Service awaiting Non R. 5 & 6.
③ no WJS filed.

Vice-Chairman

7.6.06

no WJS filed

bm

12.6.06

WJS filed by
the Respondents.

Dot

WJS has been filed.

22.6.06

mb

23.8.06

Rejoinder Submitted
by the Applicant

DA

Vice-Chairman

h

23.6.2006 Two weeks time is granted to Mr. M.Chanda, learned counsel for the applicant to file rejoinder. Post on 18.7.2006.

17.7.06
No rejoinder has been filed.

Vice-Chairman

bb

No rejoinder has been filed.

3.8.06

18.07.2006 Two weeks further time is granted to the applicant to file rejoinder. Post on 04.08.2006.

Vice-Chairman

mb

04.08.2006 Present: Hon'ble Sri K.V.Sachidanandan Vice-Chairman.

Hon'ble Sri Gautam Ray, Administrative Member.

~~(1)~~ w/s has been filed.

(2) No Rejoinder has been filed.

18.8.06

SG
Member

Vice-Chairman

mb

21.08.2006 Learned counsel for the applicant submitted that he has already filed rejoinder. Let it be brought on record, if it is otherwise in order.

Post on 07.09.2006. Learned Counsel for the respondents is given liberty to take instructions on the rejoinder.

The case is ready for hearing.

23.10.06

Vice-Chairman

mb

24.10.2006b

It is submitted that pleadings are complete. Let the case be posted for hearing on 6.11.2006.

27-10-06

Reply to the
rejoinder filed
by the Respondents.

Vice-Chairman

bb

6.11.2006

Heard Mr. M. Chanda, learned coun-
sel for the applicant and Ms. U. Das,
learned Addl. C.G.S.C. for the respon-
dents.

Reserved for orders.

The case is ready
for hearing.

Vice-Chairman

bb

22.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Judgment pronounced in open
Court, kept in separate sheets. The
Application is disposed of in terms of the
order. No order as to costs.

Received
Uma Das
Addl. C.G.S.C.
28/11/06

/mb/

Vice-Chairman

11/12/06

Copy of the
order was being
sent to the office
for service and to
the applicant by post

AT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 51 of 2006

DATE OF DECISION 22.11.2006

Shri Debaru Dev Barman

Applicant/s

Mr. M. Chanda & S.Nath

Senior Advocate for the
Applicant/s:

- Versus -

U.O.I. & ORS.

Respondent/s

Mr. Usha Das, Addl.C.G.S.C

Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

29/11/11 Vice-Chairman/Member (A)

b

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application Nos. 51 of 2006.

Date of Order: This, the 22nd November, 2006.

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

Shri Debaru Dev Barman,
IRLA Number - 10250,
S/o Late Harendra Kishore Dev Barman,
A resident of North of Water Supply Office,
Dhaleswar, P.O. Agartala College,
P.S. East Agartala,
District - West Tripura,
(ex-correspondent of All India Radio)
Agartala Station, Agartala).

... Applicant.

By Advocate Mr M. Chanda, S. Nath.

- Versus -

1. The Union of India
(Through the Secretary
Ministry of Information & Broadcasting)
Government of India,
Shastri Bhavan,
New Delhi- 110001.
2. The Chief Controller of Accounts,
Ministry of Information and Broadcasting,
Government of India, Shastri Bhavan,
New Delhi-110001.
3. The Deputy Controller of Accounts,
Pay & Accounts Office (IRLA)
Ministry of Information & Broadcasting,
A.G.C.R Building, I.P. Estate,
New Delhi-110002.
4. The Pay & Accounts Office (IRLA)
Ministry of Information & Broadcasting,
A.G.C.R Building, I.P. Estate,
New Delhi-110002.
5. The Director General, All India Radio,
Akashbani Bhavan, Parliament Street,
New Delhi-100001.
6. The Station Director, All India Radio,
Palace Compound (North Gate)
Agartala - 799001. Respondents

By Miss Usha Das, Addl.C.G.S.C

✓

ORDER

K.V.SACHIDANANDAN, (V.C)

The applicant who was serving under the Government of Tripura from 20.9.1966 in the department of Printing & Stationary in the post of Copy Holder got selection to the post of Exhibition Assistant under respondent No.1 i.e. Ministry of Information & Broadcasting on 24.3.1973. He was given due benefit and protection of the service rendered under the Government of Tripura. He discharged his duties in different posts and lastly went on retirement after attaining the age of superannuation on 31.1.2005. His pension order was issued on 4.2.2005 and the service rendered by the applicant was 38 years 4 months and 11 days. 33 years service is required for getting full pension but the length of service has been reflected as 22 years 2 months 4 days without any reason or basis. He made representation on 31.5.2005 for review of the PPO giving credit the full qualifying service by taking the period from 29.9.66 to 31.1.2005 into account and calculation of pension and other retiral benefits. He also served legal notice on 13.5.2005 and subsequently respondent No.4 issued sanction order covering the service period of the applicant from 1966 to 1973. Aggrieved by the action of not taking the total length of service for his pension and other benefits he has filed this O.A. seeking the following reliefs :

- (a) Direct the respondents to correct the pension payment order (PPO) No.28062/05/0035/3 dated 4.2.05 of the applicant Annexure-B, so far entry made against Sl.No. 9 of page 3 is concerned where the total length of qualifying service has been erroneously shown as 22 years 2 months and 4 days actually when it would be 38 years 4 months and 11 days (from 20.9.66 to 31.1.2005).
- (b) Direct the respondents to calculate the full pension after such correction, stated above and also pay arrear pension including the amounts involved in gratuity, house rent allowance, leave encashment and insurance etc.

✓

(c) Direct the respondents to pay the house rent allowance (s) amounting to Rs. 1,03,544/- details of which are given in Annexure-H payable to the applicant.

(d) Direct the respondents to pay interest @ Rs.15% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.2005 till the date of payment.

2. The respondents filed a detailed written statement contending that while processing the pension papers the Ministry of Information & Broadcasting it is nowhere mentioned that services rendered by the applicant with the Government of Tripura will count for the pensionary benefits as per provision of CCS Pension Rules. It is also not endorsed to PAO. The P.A.O (IRLA) examined the pension papers submitted by SD, AIR, Agartala and it was seen that necessary certificate for counting of services rendered as non gazetted employee was not enclosed. Request was made to the concerned authority for issuing necessary certificate as per provision of CCS Pension Rules. In the meantime to avoid hardship to the pensioner his pensionary benefits were authorized based on the service rendered by the applicant as per the record of PAO i.e. for Gazetted period. Revised PPO has also been issued to the applicant after receipt of a letter from DAVP, Ministry of I&B and allowed pensionary benefits. It was in fact not wrong entry but was actually on the basis of record available with PAO (IRLA). The entitlement of the applicant for house rent allowance admissible from 1.1.1983 were released on the basis of certificate to be furnished by the Head of Office as required under house Rent Allowance rules. The calculation made by the applicant was also erroneous and made without seeing the provisions of Rules for entitlement of HRA during the period under reference. Revised PPO was issued on the basis of full qualifying service and pensionary benefits alongwith HRA were also released to the applicant.

3. The applicant has filed a rejoinder to the written statement and contended that all the papers and relevant documents were all along with the respondents and action in right time on the part of the respondents could have avoided delay in payment of pensionary benefits to the applicant. The respondents have also filed reply to the rejoinder contending that the PAO (IRLA) could not find the service book of the relevant period with effect from 20.9.1966 and ask the department for sending the service book and the certificate as required under the Pension Rules. PAO was regularly in touch with the department for providing all necessary documents. There was no delay on the part of the PAO for releasing pensionary benefits to the applicant.

4. Heard Mr M.Chanda, learned counsel appearing for the applicant and Miss U. Das, learned Addl.C.G.S.C for the respondents. Learned counsel appearing for the parties has taken me to the various pleadings, materials placed on record. Both the counsel appearing for the parties has finally submitted that the issue now narrows down to a point as to whether the applicant is entitled for interest for the delayed payment of pensionary benefits since the applicant has received all the pensionary benefits after filing of the O.A. The counsel for the applicant argued that the delay was caused on the deliberate inaction on the part of the respondents. The respondents counsel on the other hand would argue that there was no latches or delay on the part of the respondents. It was due to the non availability of records at the appropriate time that the pensionary benefits could not be processed. However, to avoid any hardship to the applicant initially pensionary benefit was released to him on the basis of the earlier calculation which was subsequently rectified/modified and full benefit

was granted to the applicant. It was non availability of records from various circles which caused delay, if any and that cannot be attributed to the respondents. Learned counsel for the applicant has taken my attention to a decision in AIR 2000 SC 3513(2) in the case of Bijay L. Mehrotra vs. State of U.P and others, in which the Hon'ble Supreme Court has laid down the dictum that the payment to be made on the date of retirement or soon thereafter. The payments not made for months together without any justification, simple interest at rate of 18% be paid to the applicant. In AIR 1997 SC 27 in the case of S.R.Bhanrale vs. Union of India & Ors., where also the Hon'ble Supreme Court laid down the dictum that the department cannot take the plea of limitation when the department itself had defaulted in making payments promptly inspite of demands consistently made by employee. Department directed to pay interest and compensation and litigation expenses in addition to claim amount. On going through the said judgments very meticulously it is found that in those cases there were total latches on the part of the respondents in disposing the retiral benefits and the Court found justifiable reasons in granting the interest to the applicant. I have gone through the materials placed on record in this case. It is an admitted fact that earlier the applicant was given benefit on the basis of a calculation made by mistake for 22 years of service excluding the service rendered with Tripura Government. The respondents also contended that there was no intention to withhold any payment and therefore to alleviate hardship to the applicant immediate sanction was granted on the basis of a calculation which later was not found correct and therefore rectified it by giving full benefit after getting the required documents from the earlier employer. But the respondents in the additional written

statement also tacitly admitted that the records were not provided by the said department to the PAO and therefore the pension could not be processed. There is an element of latches on the part of the respondents and therefore I am of the considered view that though the bonafide of the respondents cannot be doubted the latches could definitely be attributed against them even according to their admission. Therefore, it will be sufficient that the respondents are directed to pay lumpsum amount to the applicant for causing hardship and dragging the applicant to litigation.

5. Considering all the aspects of the matter, I am of the view that though the respondents may not be responsible for payment of interest in full as claimed by the applicant definitely the respondents should compensate the applicant by a lumpsum payment for the loss incurred. Therefore, I direct the respondents to pay a lumpsum amount of Rs. 10,000/- (Rupees ten thousand) towards the claim in all to the applicant which will meet ends of justice to redress the grievance of the applicant. The respondents shall make the payment within a time frame of 3 months from the date of receipt of a copy of this order.

O.A is disposed of as above. In the circumstances no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

Before CAT Committee
Bush.

It is found that the following
case may be taken up
as an unlisted motion
item.

① O. A. 12006.

Shri D. Dev Banerjee
- vs.

Union of India vs.

M. Chidambaram
Adv.

17/2/06.

Allen

Dr

1. a) Name of the Applicant :- D. D. Bumrah
b) Respondents :- Union of India & Ors.
c) No. of Applicant(S) :-
2. Is the application in the proper form :- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed : Yes / No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes / No.
8. Whether English translation of documents in the Language :- Yes / No.
9. Is the application in time :- Yes / No.
10. Has the Vokatlatnama / Memo of appearance / Authorisation is filed : Yes / No.
11. Is the application by ~~IPO/ED~~ for Rs 50/- "835820" dt 24.2.06
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed :- Yes / No.
14. Has the legible copies of the annexurea duly attested filed : Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed :- Yes / No.
17. Has the declaration as required by item 17 of the form : Yes / No.
18. Whether the relief sought for arises out of the Single : Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. Whether this Case can be heard by Single Bench / Division Bench.
22. Any other point :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:
The application is in *order* No *51* dt 27.2.06

SECTION OFFICER(J)

DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

G. A. R. 6

[See Rule 22 (1)]

RECEIPT

19

No. 1790

Date. 27/2/2026..

Received from ... with

Letter No. G.A. 51/95 dated 20.....

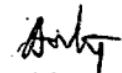
the sum of Rupees.....

In cash/by IPO on account of..... Sanctioned charges for 6th Month
by bank draft

..... in payment of.....

Signature

Rs. 5/-


Ashok
Cashier

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O.A. No. 51 /2006

Shri Debaru Dev Barman

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

24.03.1973- Applicant while serving under the Government of Tripura from 20.09.1966 in the department of Printing and Stationary in the post of Copy Holder got selection in the post of Exhibition Assistant under the Respondent No.1, in the said post on 24.03.1973. At the time of such joining in the post of Exhibition Assistant under the Respondent No. 1 he was given due benefits and protection of the service rendered under the Govt. of Tripura. (Annexure-A)

31.01.2005- Applicant discharged his duties in different posts and lastly went on retirement after attaining the age of superannuation on 31.01.05.

04.02.2005- *Retd*
31-1-05
Applicant was issued the pension pay order under No. 28062/05/0035/3 dated 04.02.2005. It would be evident from the Pension Pay Book that the total period of service rendered by the applicant is 38 years 4 months and 11 days. As per requirement of law one has to perform 33 years of service for getting full pension. But surprisingly in column No. 9 of page No. 3 of the Pension Pay order the total length of qualifying service has been reflected as 22 years 2 months 4 days without any reason or basis. (Annexure- B)

31.05.2005- Applicant submitted a representation dated 31.05.05 before the Respondent No. 4 stating inter alia all facts therein. In the said representation applicant requested the Respondent No. 4 to review

the P.P.O. specially the qualifying service, as it required correction by taking the service for the period from 20.09.66 to 31.01.05 into account for the purpose of calculating the pension and other retiral benefits such as gratuity but to no result.

Applicant is also entitled to HRA from 01.01.1983 and he made repeated approaches before the respondents for releasing the house rent allowance in his favour but to no result.

(Annexure- C to C/5)

Respondents have paid HRA to the applicant for a period of 2 years from September 1986 to June 1988 and also from September 2003 to September 2004. (Annexure- D and D/1)

15.08.2005- Applicant served a legal notice of demand through his Advocate to the Respondents for correction of pension pay order received on 13.05.2005 and also for calculation of the full pension after such correction and also for payment of arrear pension and also payment of amount involved in gratuity, House Rent Allowances, leave encashment and insurance. (Annexure-E)

16.09.2005- Senior Accounts Officer, O/o the Respondent No. 4 wrote a letter dated 16.09.05 to the Respondent No. 5 for issuing sanction order covering the service period of the applicant from 20.09.1966 to 23.03.1973 so that the benefits of total qualifying service could be allowed to the applicant counting his past service. (Annexure-F)

01.10.2005- Applicant submitted his reply/2nd notice through his Advocate, wherein it is stated that question of sanction order, as stated for counting the service period from 20.09.66 to 23.03.73 for giving the benefits of the total qualifying service had already been settled and decided way back as on 19.01.1976, which is evident from the memorandum dated 19.01.76. Therefore, issuance of sanction order

might not be required afresh as the said matter had been settled and decided as back as in the year 1976.

(Annexure- G)

Applicant has enclosed with this application a due drawn statement of house rent allowance with effect from December 1982 to January 2005. (Annexure-H)

Hence this Original Application.

P R A Y E R S

Reliefs Sought:-

- (a) Direct the respondents to correct the pension pay order (P.P.O) No. 28062/05/0035/3 dated 04.02.05 of the applicant Annexure- B, so far entry made against Sl. No. 9. of page- 3 is concerned where the total length of qualifying service has been erroneously shown as 22 years 2 months and 4 days actually when it would be 38 years 4 months and 11 days (from 20.09.66 to 31.01.2005).
- (b) also direct the respondents to calculate the full pension after such correction, stated above, and also pay arrear pension including the amounts involved in gratuity, house rent allowance, leave encashment, and insurance etc.
- (c) also direct the respondents to pay the house rent allowance (s) amounting to Rs. 1,03,554/- details of which are given in Annexure- H payable to the applicant.
- (d) also direct the respondents to pay interest @5% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.2005 till the date of payment.
- (e) Cost;
- (f) any other appropriate relief or reliefs as this forum deem fit and proper.

Interim order, if any prayed for :-

(i) Kindly direct the office of this Hon'ble Tribunal to list this case within shortest possible date considering the fact that after retirement the income of the applicant has dropped down to a great extent and because of non-receipt of legitimate payment, he has been facing serious hardships in maintaining his livelihood and the livelihood of his family dependent on him.

27-2006

गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A.No. 51 /2006

Shri Debaru Dev Barman : Applicant.

-Versus-

Union of India & Ors. : Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	—	Application	1-11
2.	—	Verification	-12-
3.	A	Memorandum dated 19.01.1976.	13
4.	B	Attested copy of pension pay order	14 - 24
5.	C, C/1, C/2, C/3, C/4 and C/5	Copies of letters of applicant claiming H.R.A dated 19.09.1983, 25.06.1984, 21.03.1989, 04.07.2001, 18.03.2002 and 08.08.2003.	25 - 32
6.	D, D/1	Copies of pay slips	33 - 34
7.	E	Legal notice of demand dated 15.08.2005.	35 - 42
8.	F	Attested copy of the letter dated 16.09.2005 of respondent.	43 - 44
9.	G	Second notice of demand dated 1.10.2005.	45 - 48
10.	H	Statement of outstanding H.R.A.	49

Filed By:

Abhijit Sengupta
Advocate

Date: - 27.2.06.

20
Filed By the applicant
through
Abijit Sengupta
Advocate
27.2.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 51 /2006

BETWEEN:

Shri Debaru Dev Barman,
IRLA Number-10250,
S/o- Late Harchandra Kishore Dev Barman,
A resident of North of Water Supply Office,
Dhaleswar, P.O- Agartala College,
P.S.- East Agartala,
District- West Tripura,
(Ex-correspondent of All India Radio,
Agartala Station, Agartala).

Applicant

-AND-

1. The Union of India,
(through the Secretary
Ministry of Information & Broadcasting)
Government of India,
Shastri Bhavan,
New Delhi- 110001.
2. The Chief Controller of Accounts,
Ministry of Information and Broadcasting
Government of India, Shastri Bhavan,
New Delhi-110001.
3. The Deputy Controller of Accounts
Pay & Accounts office (IRLA)
Ministry of Information & Braodcasting
A.G.C.R. Building, I.P.Estate,
New Delhi-110002.
4. The Pay & Accounts Officer (IRLA),
Ministry of Information & Braodcasting

Debaru Dev Barman

2
2
A.C.C.R. Building, I.P.Estate,
New Delhi-110002.

5. The Director General, All India Radio,
Akashbani Bhavan, Parliament Street,
New Delhi-100001.

6. The Station Director, All India Radio,
Palace compound (North Gate),
Agartala-799001.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

The pension pay order under number 28062/05/0035/3 dated 04.02.2005 received by the applicant on 13.05.2005, Annexure-B to this application, and the letter bearing Number PAO/IRLA/I & P/Pen/1606-1610 dated 16.09.2005, Annexure-F to this application issued from the office of the respondent No. 4.

2. Jurisdiction of the Tribunal:

The subject matter of this dispute and complaints with respect to recruitment and condition of service of the applicant appointed to public services in connection with which the affairs of the Union is within the jurisdiction of the learned Tribunal and the cause of action of this application arose within the territorial limit of this learned Tribunal and thereby, this Tribunal has got jurisdiction to try this application. The applicant was a central Govt. civilian employee belongs to Group -A category and as such this Hon'ble Tribunal has got jurisdiction to adjudicate the matter.

Debarun Dev Barman

Abhijit Sengupta
Addressee
27.2.06.

22
3
B7
Achijit Ganguly
27.2.06

3. Limitation:

The pension pay order in question Annexure B was received by the applicant on 13.05.05 and served an advocate notice on 15.08.2005 and a reply dated 16.09.2005 Annexure F was received by the applicant from the side of the respondent No. 4 on 01.10.2005 thereby this application is filed within time and this forum is entitled to try this case.

4. Facts of the case:

(a) That the applicant while serving under the Govt. of Tripura from 20.09.1966 in the Department of Printing and Stationery in the post of copy holder got selection in the post of Exhibition Assistant under the respondent No. 1 and joined in the said post on 24.03.1973.,

(b) That at the time of such joining in the post of Exhibition Assistant under the respondent No. 1 he was given due benefits and protection of the service rendered under the Govt. of Tripura.

(A Copy of the memorandum No. A 23012/1/74-Est. II dated 19.01.76 of Ministry of Information and Broadcasting is enclosed as Annexure-A)

(c) That the applicant discharged his duties in different posts and lastly went on retirement after attaining the age of superannuation on 31.01.2005 from the Agartala Station of All India Radio as correspondent.

(d) That, after such retirement on superannuation, applicant was issued the pension pay order under No. 28062/05/0035/3 dated 04.02.2005 by the respondent No. 4. In page-3 of the said pension pay order book the particulars of service of the applicant has been recorded & in Sl. No. 5 of the same where the date of entry in the Govt. service was mentioned a clear date has been given i.e. 20.09.1966 when the applicant joined the service

Debaran Deo Barman

4 29
157
Arijit Sengupta
A2006
27.2.06

under the Government of Tripura and in Sl. No. 6 the date of ending the service has been mentioned correctly on 31.01.2005.

Now, if the period of entry into the Government service and vis-à-vis the date of ending of the service are considered it would be crystal clear that the total period of service rendered by the applicant is 38 years, 4 months and 11 days. As per recruitment of law one has to perform 33 years of service for getting full pension. In view of that settled legal position, the applicant is/was also entitled to get the full pension benefits after his retirement from service.

But surprisingly in column No. 9 of the said page No. 3 of the P.P.O. the total length of qualifying service has been reflected as 22 years, 2 months and 4 days without any reason or basis whatsoever.

(An attested copy of the pension pay order (P.P.O) is enclosed as Annexure-B).

(e) That, the said entry in Sl. No. 9 in page No. 3 of P.P.O being erroneous and highly prejudicial and detrimental to the interest of the applicant he submitted a representation dated 31.05.2005 before the respondent No. 4 stating interalia all facts therein. In his said representation it was clearly mentioned that the service book for the entire period of non Gazetted service from 20.09.1966 was sent to the pay & Accounts officer by the supervisor, DAVP, Ministry of Information & Broadcasting New Delhi, vide their letter No. A.22012/2/73-EXH (A) dated 4.1.1983 along other records. In the said letter of the DAVP dated 4.1.1983 (Supra) it was clearly indicated that the prescribed proforma for allotment of IPLA number duly completed. Last pay certificate and service book were forwarded to the respondent No. 4 after receipt of the said particulars, last pay certificate, service book etc./ pay and allowance of the applicant for Gazetted period through IRLA system was released as would be confirmed by the DAVP letter No. A-A-20012/2/73-EXH. (A) dated 29.04.1983. In the said representation the applicant, therefore, requested the respondent No. 4 to

Debbaranjan Barman

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All India Radio
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review the P.P.O, specially the qualifying service, as it required correction by taking the service for the period from 20.09.1966 to 31.01.2005 into account for the purpose of calculating the pension and other retrieval benefits such as gratuity.

- (f) That, to this utter misfortune, the said respondent No. 4 has not considered it necessary to take any action in the light of the request made in the representation or even to favour the applicant with a reply as to why he should not be given the full pension benefits on the basis of his total length of qualifying service far in excess of 33 years.
- (g) That, the applicant was entitled to house rent allowance from 01.01.1983 and he made repeated approaches before the respondents for releasing the house rent allowance in his favour but no action has yet been taken though the applicant went on retirement on 31.01.2005.

(Copies of letters claiming the H.R.A. dated 19.09.1983, 25.6.84, 21.3.89, 4.7.01, 18.3.02 and 8.8.2003 are enclosed as Annexure-C, C/1, C/2, C/3, C/4, C/5).

- (h) That, it is, however, interesting to note that the respondents have paid the applicant the house rent allowance for a period of 2 (two) years from September, 1986 to June, 1988, while he was posted under DAVP and also from September, 2004 when the applicant was posted All India Radio as a correspondent. The applicant is, therefore entitled to the house rent allowance excepting the period he has been paid the same, as reflected above and a statement of the amount receivable as house rent allowance upto retirement of the applicant is Rs. 1,03,554.00/- from the respondents is annexed with this application as Annexure-H.

(Copies of pay slips of October 2004 and December 2004 showing the payment of H.R.A are enclosed as Annexure-D, D/1).

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Arijit Sengupta
27.2.06.

(i) That from the factual backdrop narrated above it would be crystal clear that the applicant has been put to face prejudice for no lapse, negligence or lacuna on his part but on the part of the respondents. After retirement from service the applicant has been facing serious hardship with his family members.

(j) That after retirement the applicant received the pension pay order on 13.05.2005 and being aggrieved by and dis-satisfied with the incorrect pension pay order (P.P.O) of the applicant so far entry made against sl. No. 9 of the page-3 of the same is concerned where the total length of qualifying service has been erroneously shown as 22 years, 2 months and 4 days actually where it was 38 years, 4 months and 11 days (from 20.09.1966 to 31.01.2005) and also for calculation of the full pension after such correction and also for payment amount involved in gratuity, house rent allowance, leave encashment and insurance the applicant served a legal notice of demand dated 15.08.2005 through his advocate to the respondents for completing the above exercise within a period of 2 (two) months from the date of receipt of that notice. In the said notice it was also stated by the applicant that in the event of non-payment of the dues within the said period of two months the applicant would claim interest @ 15% on the arrear pension and other outstanding dues.

(A Copy of the said legal notice of demand-dated 15.08.2005 is enclosed as Annexure-E).

(K) That after receipt of the legal notice of demand dated 15.08.2005 senior Accounts Officer, O/o the Respondent No. 4 wrote a letter No. PAO/IRLA/I & B/Pen/1606-1610, dated 16.09.2005 to the respondent No. 5, for issuing sanction order covering the service period of the applicant from 20.09.1966 to 23.03.1973 so that the benefits of total qualifying service could be allowed to the applicant counting his past service. A copy of the said letter was also supplied to the applicant.

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(A Copy of the letter-bearing No. PAO/IRLA/I & B/Pen/1606-1610 dated 16.09.2005 is enclosed as Annexure-F).

(l) That in response to the said letter of the Sr. Accounts officer o/o the respondent No. 4 the applicant submitted his reply/2nd notice dated 1.10.2005 through his Advocate wherein he stated that question of sanction order, as stated, for counting the service period from 20.09.1966 to 23.03.1973 for giving the benefits of the total qualifying service had already been settled and decided as back as on 19.01.1976 when the selection officer of D.A.V.P by issuing a memorandum bearing No. A-23012/1/74-ESTT-II dated 19.01.1976, Annexure-A to this application and informed the applicant that in the office record continuity of his service from the date of his initial appointment under the Government of Tripura on 20.09.1966 had been recorded. The applicant also stated that in the said memorandum he was also informed that his seniority in the grade of exhibition Assistant will however, be counted from the date of his appointment in the grade on 24.03.1973 (A.N). In the said reply dated 1.10.2005 the applicant also stated that in view of the factual back drop of the matter the request made by the senior Accounts officer, O/o the Respondent No. 4 by letter to the respondent No. 5 for issuing sanction order might not be required a fresh as the said matter had been settled and decided as back as in the year 1976.

For reference a Xerox copy of the said memorandum dated 19.01.1976 issued by the section officer of D.A.V.P were enclosed with his said reply dated 1.10.2005, and also 2 (two) letters bearing No. A-22012/2/73/EXH (A), dated 4.1.1983 and letter-dated 29.4.1983 were enclosed for the satisfaction of the respondent No. 4 regarding the service rendered by the applicant under D.A.V.P.

(A Copy of the 2nd notice dated 1.10.2005 is enclosed as Annexure-G).

Debarun Dev Barman

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 Aditya Singh
 22.2.06.

(m) That the applicant has enclosed with this application a due drawn statement of house rent allowance with effect from December, 1982 to January, 2005.

(A Copy of the statement of house rent allowance receivable by the applicant is enclosed as Annexure-H).

(n) That the applicant submits that the long period passed away but no response from the side of the respondents was made towards correction of the P.P.O., calculation of full pension, payment of arrear pension and payment of outstanding house rent allowance etc. to the applicant therefore the applicant has no other option but to approach this Hon'ble Tribunal and hence this complaint.

(O) That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- (i) For that, the applicant respectfully submits that the respondents have not acted according to the rule for the purpose of counting the total length of qualifying service of the applicant.
- (ii) For that, the said erroneous counting of length of service of the applicant, the respondents have deprived the applicant, to get the just and proper pension, gratuity and other benefits which is violative of Article 14, 16 and 21 of the Constitution of India (Annexure-A, B, E, F & G)
- (iii) For that, the respondents failed to pay the house rent allowance to the applicant, despite repeated persuasion (Annexure-C, C/1, C/2, C/3, C/4, C/5, Annexure-E and Annexure-G) from his side, thereby treated him differently with other employees of the respondents which is violative of Article-14 of the constitution of India.


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Advocate
27-2-06.

(iv) For that, in a welfare state the pension in a socio economic justice when the respondents have been taking no step to pay actual pension and other benefits to the applicant which is nothing but refusal of legal and constitutional right of the applicant (Annexure-A, B, E, F and G)

6. Details of remedies exhausted.

- (i) The applicant being aggrieved by the P.P.O received by him on 13.05.2005 (Annexure-B), issued a legal notice of demand dated 15.08.2005. (Annexure-E).
- (ii) He once again submitted second notice through his advocate, dated 1.10.2005 (Annexure-C).
- (iii) The applicant submitted series of letter dated 19.9.83, 25.6.84, 21.3.89, 4.7.01, 18.3.02 and 8.8.03 (Annexure-C, C/1, C/2, C/3, C/4 and C/5) to the respondents for payment his monthly house rent allowance (s) but to no result.
- (iv) The applicant declares that he has availed of all the remedies available to him under the relevant rule.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

In view of the facts mentioned in para -6 above the applicant prays for the following relief(s):

Delawne Dev Barnam

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All rights reserved
Debari Dev Barman

- (a) Direct the respondents to correct the pension pay order (P.P.O). No. C/28062/05/0035/3 dated 4.2.05 of the applicant Annexure-B, so far entry made against Sl No. 9 of page 3 is concerned where the total length of qualifying service has been erroneously shown as 22 years 2 months and 4 days actually shown as 22 years 2 months and 4 days actually when it would be 38 years, 4 months and 11 days (from 20.09.66 to 31.1.2005).
- (b) also direct the respondents to calculate the full pension after such correction, stated above, and also pay arrear pension including the amounts involved in gratuity, house rent allowance, leave encashment and insurance etc.
- (c) also direct the respondents to pay the house rent allowance (s) amounting to Rs. 1,03,544/- details of which are given in Annexure-H payable to the applicant.
- (d) also direct the respondents to pay interest @ 15 % on the arrear pension and other outstanding from the date of retirement i.e 31.01.2005 till the date of payment.
- (e) Costs of the application.
- (f) Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application; the applicant prays for the following interim relief: -

- (i) Kindly direct the office of this Hon'ble Tribunal to list this case within shortest possible date considering the fact that after retirement the income of the applicant has dropped down to a great extent and because of non-receipt of legitimate of payment he has been facing serious hardship in

Debari Dev Barman

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Avijit Sengupta
Bank
22.2.06.

maintaining his livelihood and the livelihood of his family dependent on him.

10. That, it is respectfully submitted that the applicant desire to have oral hearing at the admission stage. A self-addressed envelop with stamp of Rs. 30/- is attached herewith at which intimation regarding the date of hearing could be sent to the applicant.

11. Particulars of Banks draft filed in respect of application fees:-

Banks draft No. 835820 dated 24.2.06 on U.C.O Bank, High Court Extension Counter in favour of the Registrar, Central Administrative Tribunal, Guwahati Bench.

12. List of enclosures:

As given in the index.

Debaranee Barman

24-2-06

Ashok Kumar Barman

VERIFICATION

I, Shri Debaru Dev Barman, S/o late Harendra Kishore Deb Barman, aged about ____ years, retired as correspondent in the office of the All India Radio, Agartala, Tripura, a resident Dhalaswar, P.S. East Agartala, District- West Tripura, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 27th day of February 2006.



-13-

Annexure

No. A 23012/1/74-Est.II

GOVERNMENT OF INDIA

DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING

3rd Floor, PTI Building,
Parliament Street,
New Delhi-1, 19.1.1976

MEMORANDUM

With reference to his representation dated 8.12.75, Shri Debaru Deb Barma, Exhibition Assistant is informed that in the office records, he has been shown in continuous Govt. service from the date of his initial appointment under Tripura Govt. i.e. 20.9.66. He will, however, count seniority in the grade of Exhibition Assistant only from the date of his appointment in the grade i.e. 24.3.73 (A.N.).

S.L. Bhardwaj
(S.L. Bhardwaj Smt.)

Section Officer

for Director of Advertising & Visual Publicity.

Shri Debaru Deb Barma,
Exhibition Assistant,
Field Exhibition Office,
Jorhat (Assam).

*Almora
2/2/76*

96 1176

PPOM 28062105/0035/3 dt 4/2/05-

लार्म नं. ७. एम.५२
Form 7.A.M.52
पैरा/Para 7.2.1,

८४-

Annexure - B

८७

पेंशन अदायगी आदेश जारी करने वाले कार्यालय की रबड़ मोहर
(Rubber Stamp of the Office issuing the Pension Payment Order)

पेंशन अदायगी आदेश
PENSION PAYMENT ORDER
(सवितरण का भाग)
(Disbursers Portion)

Attested
Assaley
28/2/05
(R. Bhattacharjee)
Under Secretary to the
Government of Tripura,

पेंशन अदायगी आदेश संख्या

दिनांक

P.P.O. No. 28062105/0035/3 dt 4/2/05 Debitable to Can be
Government.

लेखा शीर्ष

Head of Account

मुख्य शीर्ष

Major Head

लघु शीर्ष

Minor Head

स्वीकृत/प्रधारित

Voted/charged

अगली सूचना दिए जाने तक, और प्रत्येक महीने की समाप्ति पर पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता की उचित पहचान के बाद श्री/श्रीमती

को * इस आदेश के भाग-11 में निर्दिष्ट किए गए अनुसार पेंशन/इस आदेश के भाग 111 में निर्दिष्ट किए गए अनुसार परिवार पेंशन तथा समय पर मंजूर की जाने वाली महंगाई राहत की राशि की अदायगी करें। अदायगी

महीने से आरम्भ की जानी चाहिए। जहां आयकर की कटौती की जानी है, उसे सोत पर ही काट लिया जाना चाहिए।

UNTIL FURTHER NOTICE, and on the expiration of every month be pleased to pay Shri/smt Debally De Burman the pension as set out in Part II of this order/Family Pension as set out in Part III of this order *, plus the amount of dearness relief as admissible from time to time thereon after due identification of the pensioner/family pensioner. The Payment should commence from 01/02/2005. The income tax, where deductible, should be deducted at source.

8/2/05
Debally De Burman

15

2. श्री/श्रीमती _____ को _____ से _____ तक
 _____ रुपए (_____ रुपए मात्र) प्रति मास की दर पर पेंशन/परिवर्ती पेंशन का
 राशि तथा उस पर मंजूर की गई राहत की राशि की अदायगी भी करें।

2. Arrears of pension/family pension at Rs. _____ P.M. (Rupees _____ per
 month) from _____ to _____ plus the admissible dearness relief thereon may
 also be paid to Shri/Smt. _____

हस्ताक्षर
 Signature

पदनाम
 Designation

Mr. A. K. G. S. P. A.
 Managing Director
 A.P.G. Bank, New Delhi
 (पेंशन अदायगी आदेश जारी करने
 वाले प्राधिकारी की विशेष मोहर)
 (Special Seal of the Pension
 Payment Order issuing Authority)

United Bank of India,
 H.G.B. Road,
 Agartala,
 Tripura.

सेवा में, A/c no 395-273 ✓

(पेंशन संवितरण अधिकारी, जहां पेंशन अदा की जानी है)

To,

(Pension Disbursing Authority where pension is to be paid).

*Attested
 Obhally
 20/4/08*

* जो खण्ड लागू न हो उसे काट दें। * In applicable clause to be deleted.

10. पेंशन के लिए औसत परिलंबियाँ :

10. Average Emoluments for pension.

—16—

Rs. 17321.70/-

X 35

11. परिवार के लिए औसत परिलंबियाँ :

11. Emoluments for family pension.

Rs. 17763/-

12. सेवा निवृति उपदान/मृत्यु उपदान
के लिए परिलंबियाँ

12. Emoluments for retirement
Gratuity/Death Gratuity.

Rs. 19794/-

13. सेवा निवृति उपदान/मृत्यु उपदान
को मंजूर की गई राशि एवं बै.ले.अ.
द्वारा भुगतान की गई राशि :

13. Amount of Retirement
Gratuity/Death Gratuity
allowed & paid by P.A.O.

Rs. 217734/- (Rupees 217734/-)

14. बैंक द्वारा चिकित्सा भत्ता के अनुदान
की बैंक द्वारा भुगतान की गई राशि :

14. Grant of Medical allowance
to be paid by the Bank.

Rs.

A. Bhattacharjee
20/21/02
(R. Bhattacharjee)
Under Secretary to the
Government of Tripura

१८

भाग-II
PART II
(सेवा निवृत्ति पर लागु)
(Applicable on Retirement)

भाग-1— पेंशन प्राप्तकर्ता का व्यौरा
Section-I—particulars of Pensioner

1. पति/पत्नी के साथ संयुक्त फोटोग्राफ़
1. Joint photograph with the spouse



2. सेवा निवृत्त हो रहे सरकारी कर्मचारी का नाम
2. Name of the retiring Govt. servant.

M. Debum Deo. Prayman,
North Bengal Supply Office
Debaseri, P. O. Agartala College
Tin Bigha, Pin - 788007,

A spot on the forehead.

3. स्थायी पता
3. Permanent Address.
4. पहचान के लिए व्यक्तिगत चिन्ह
4. Personal marks of identification,
5. पेंशन प्राप्तकर्ता के हस्ताक्षर अथवा बाएँ हाथ के अंगूठे की छाप (पेंशन की पहली अदायगी के समय प्राप्त किया जाना है)
5. Signatures or the left hand Thumb impression of the pensioner (To be obtained at the time of first payment of pension)

Attest
G. Bhattacharya
20/2/07

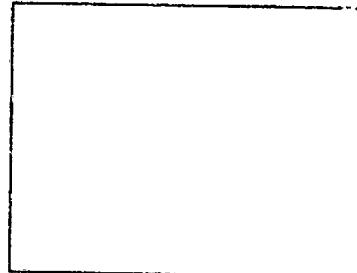
PART-III

(सेवा में रहते हुए मृत्यु होने पर लागू होना)
 (Applicable on death while in service)

भाग-1-परिवार में पेशन प्राप्तकर्ता का व्यौता

Section I - particulars of family pension

1. परिवार पेशन प्राप्तकर्ता का फोटोग्राफ
 1. Photograph of the Family Pensioner



2. परिवार पेशन प्राप्तकर्ता का नाम
 2. Name of the recipient of family pension
 3. मृत सरकारी कर्मचारी से संबंध
 3. Relationship with the deceased Govt. servant
 4. स्थायी पता
 4. Permanent Address
 5. पहचान के व्यक्तिगत चिह्न
 5. Personal marks of identification
 6. परिवार पेशन प्राप्तकर्ता के हस्ताक्षर अथवा बाएं हाथ के अंगूठे का चिह्न (परिवार पेशन की प्रथम अदायगी के समय प्राप्त किया जाना है)
 6. Signature or the left hand Thumb impression of the family pensioner (to be obtained at the time of first payment of family pension)
 7. क्या पेशन प्राप्तकर्ता/परिवार पेशन प्राप्तकर्ता कोई अन्य पेशन प्राप्त कर रहे हैं? यदि हां, तो उसका व्यौता दें और यह किस स्रोत से ली जा रही है।
 7. Whether the pensioner/Family Pensioner is in receipt of any other pension. If so, its particulars and source from which being drawn.

Section-2

1. नियम, जिसके अन्तर्गत परिवार पेंशन मंजूर की गई है
 1. Rules under which Family pension is sanctioned.
 2. परिवार पेंशन की राशि
 2. Amount of Family Pension

	राशि रूपए Amount Rs.	से From	तक To
(I) बढ़ी हुई दर पर (I) At Enhanced rate			
(II) सामान्य दर पर (II) At normal rate			

Received original PPs - 280620500353

Debarun Dev Sarman
13/05/05

Attested
R. Bhattacharya
20/05/05
(R. Bhattacharya)
Under Secretary to the
Government of Tripura.

(पेंशन/परिवार पेंशन/महंगाई राहत की भंजूरी के बाव का संशोधन)
(Last sanction revision of pension/Family Pension/Dearness Relief)

सेवा निवृत्ति के समय पेंशन की राशि _____ 2 रुपए
Amount of Pension at the time of Retirement Rs. _____

सेवा निवृत्ति के समय महंगाई राहत की राशि _____ रुपए
Amount of Dearness Relief at the time of Retirement

आग-3— पेंशन प्राप्तकर्ता की मृत्यु पर अवर की जाने वाली परिवार पेंशन का व्यौरा

Section 3— Details of family pension payable on the death of the pensioner.

70

- नियम, जिसके अन्तर्गत परिवार पेंशन मंजूर की गई है।
- Rules under which family pension is admissible.
- पेंशन प्राप्तकर्ता की मृत्यु होने की स्थिति में परिवार पेंशन पाने वाले परिवार के सदस्यों का व्यौरा
- Details of family members eligible for pension in the event of the death of pensioner.

क्र.सं. No.	नाम Name	सरकारी कर्मचारी से संबंध Relationship with the Govt. Servant	जन्म तिथि (बच्चों के लिए) Date of Birth (for children)	वर्तमान पता Present Address	व्या बच्चाशा, तौर पर अस्ति Whether c is physical handicapp
1.	Mrs. Hender Burman	Wife	01.07.1952	North Lekh, Chittagong	
2.	Miss Delhingana Devi Dayal	Daughter Burman	11.01.1982	Chakleswari P.O. Faridpur College In town Pin - 739203	

टिप्पणी : उपर्युक्त व्यौरा, परिवार के सदस्यों की पात्रता के क्रम में दिया गया है।

Note: Above particulars may be given in the order of eligibility of the family members.

- परिवार पेंशन की राशि
- Amount of family pension.

	राशि रूपए Amount Rs.	से From	तक To
(i) बढ़ी हुई दर पर (i) At Enhanced Rate	5774/-	10/09/2011 one year	07.01.201
(ii) सामान्य दर पर (ii) At Normal Rate	5209/-	08.01.2011	11/01/2011 one year

8

Attest
Abuljaffer

(R. Bhattacharya)
Under Secretary to the
Government of Tripura,

II. पेंशन का ब्यौरा

Section 2. Details of Pension.

- सरांशीकरण से पूर्व मासिक पेंशन की राशि
- Amount of monthly pension before commutation
- पेंशन की श्रेणी
- Class of Pension
- नियम, जिनके अन्तर्गत मंजूर की गई
- Rules under which sanctioned
- पेंशन के शुरू किए जाने की तारीख
- Date of commencement of pension
- पेंशन के सरांशीकरण का अंश/की राशि
- Fraction/amount of pension commuted, if any
- सरांशीकरण का मूल्य और अदायगी की तारीख
- Commututed value and the date of its payment.
- सरांशीकरण के बाद घटी हुई मासिक पेंशन
- Reduced monthly pension after commutation.
- घटी हुई पेंशन के शुरू किए जाने की तारीख
- Date of commencement of reduced pension.
- तारीख (शब्दों में) जिसमें सरांशीकृत भाग पुनः बहाल किया जाएगा।
(जो कि उक्त तारीख को पेंशन प्राप्तकर्ता के जीवित होने की शर्त पर है)
- Date (in words) from which commuted portion shall stand restored (subject to pensioner being alive on that date)
- क्या पेंशन प्राप्तकर्ता/परिवार पेंशन प्राप्तकर्ता कोई अन्य पेंशन प्राप्त कर रहे हैं? यदि हाँ, तो उसका ब्यौरा दें और यह किस स्रोत से ली जा रही है।
- Whether the pensioner/Family Pensioner is in receipt of any other pension. If so, its particulars and source from which being drawn.

1657741

Suprajan
CCS pension rules

01.02.2006

1614431

161698701 (1614431)

1643311

01.02.2005

01.02.2020

Allied

Alliance

20/2/08

(R. Bhattacharya)
Under Seal of the
Government of India

9. 10 महीने की अवधि में ली गई परिविधियाँ और वे परिविधियाँ जो आैसत परिविधियों की गणना केलिए हिसाब से ली जानी हैं।

EMOLUMENTS DRAWN DURING 10 MONTH PERIOD AND THOSE RECKONED FOR CALCULATION OF AVERAGE EMOLUMENTS

भाग-१-पैशन प्रौद्योगिकता/मृत सरकारी कर्मचारी की सेवा का व्यौरान

Particulars of Service of the Pensioner/Defect/Ex Govt. Servant.

1. सरकारी कर्मचारी का नाम
1. Name of the Government servant
2. भारत सरकार के अन्तर्गत जिस मंत्रालय/विभाग/ कार्यालय से सेवा निवृत्त हुए हैं, इसका नाम तथा अन्त में धारण किया गया पद/ग्रेड/रैंक .
2. Post/Grade/Rank last held and the name of the Ministry/Dept. office from which retired under the Government of India.
3. सेवा निवृत्ति के समय वेतनमान
3. Pay scale at the time of retirement
4. जन्म तिथि
4. Date of Birth
5. सरकारी सेवा में शामिल होने की तारीख
5. Date of entry into Government service.
6. सेवा समाप्त होने की तारीख
(सेवा का अन्तिम दिन)
6. Date of ending service
(last day of the service)
7. सेवा में स्वीकार किया गया महत्व, यदि कोई है
7. Details of weightage in service allowed, if any.
8. पेंशन के लिए न ली जाने वाली अर्हक सेवा
8. Period of service not qualifying for pension.

1. Define Der Burman
Correspondent
: AIR Silchar
m/o AT&T.

Aug. 275 - 13520

OP. 01. 1945 - X

20.09.1966. X

31: 81.2001 X

से From	तक To	अवधि Period			कारण Reasons
		वर्ष y	महीने m	दिन d	

9. शिक्षा की कुल अवधि सर्विस कालम [(5-4) + (6-7)]	वर्ष	महीने	दिन
9. Total length of qualifying Service Col. [(5-4) + (6-7)]	Year	Month	Days

Airted
Abulage
(R. ~~20/7/1966~~)
Under Secretary to the
Government of Tripura

Regd.

Government of India
Directorate of Advertising & Visual Publicity
Ministry of Information & Broadcasting
Field Exhibition Office
Kohima : Nagaland
797 001

No. FEO/KMA/P-1/83- A26

Dated Kohima, The 19.9.83

To

Shri P.J.Vincent,
Deputy Controller of Accounts,
AGCR,
New Delhi

Sub:- H.R.A. to the Staff Posted at Nagaland.

Ref:- IRLA- 10250.

Sir,

I have the honour to inform here that I am not getting my H.R.A since my posting at Kohima (Nagaland), though the other Central Govt. Staffs are regularly getting HRA @ 7½ % as per Ministry of Finance Office Memorandum No. F-2(37)-E.II(b)/64 dt. 27th Nov. 1965.

A copy of the letter in this respect from the Regional Officer (N&M) Directorate of Field Publicity, Govt. of India, Kohima alongwith the Ministry of Finance Memorandum are enclosed herewith for kind ready reference and necessary early release of HRA.

Thanking you.

Enclo:- 1. No. NM/9(4)/83-Acctt/588 dt. 20.7.83.

2. No. F.2(37)-E-II(b)/64
dt. 27.11.65.

Yours faithfully

D. Dev-Barmen
(D. DEV-BARMAN)
Field Exhibition Officer
Kohima.

AK
Akash
27.2.86.

-26-

GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING?
FIELD EXHIBITION OFFICE: KOHIMA.
NAGALAND.

K/TG
Annexure - C/1

No.FEO/KMA/P.1/84/209

Dated, Kohima, 25/6 1984

To
The Pay & Accounts Officer,
IRLA Group,
Ministry of I & B,
A.G.C.R.
New Delhi.

Subject:- Request for grant of house rent allowance.

Sir,

I have the honour to inform here that I took over the charge of Field Exhibition Office, DAVP, Kohima, Nagaland on 25.11.82 I am living in a rented house paying Rs.200/- (Two hundred) since January, 1983. But I am getting house rent till to date. Rent receipt from January to October, 1983 has already been submitted to him vide this office No.FEO/KMA/P.1/84-577 dt. 28.11.83. Further, I am submitting herewith a rent receipt from November, 1983 to March, 1984 for your kind information and necessary early action please.

Annexure-III-A is also enclosed herewith for kind information and necessary action please.

Encl:- Rent receipt.

Annexure III-A

Yours faithfully,

(D. Dev Barman)
Field Exhibition Officer
D.A.V.P., Min. of I & B,
Kohima, Nagaland.
IRLA No- 10250.

Albert
C/P
27/6/84

२५

Annexe - c/2

REBD

कार : “दृश्यविज्ञापन”
 Telegram : “ADVISUAL”

भारत सरकार
विज्ञापन श्रीराध्य प्रचार निदेशालय
सूचना श्रीराध्य प्रसारण मंत्रालय

GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
Field Exhibition Office: Agartala.

नं० नई दिल्ली-110001
No. FEG/AGT/P.1/88/1039 New Delhi-110001, the 21/3/89

To
The Pay & Accounts Officer (IRLA),
Computer V Section,
A.G.C.R. Building,
I.P.Estate, New Delhi - 110 082.

Sub:- Submission of H.R.A. Annexure II
in respect of Shri D.Dev Barman, FEO,
DAVP, IRLA No - 1e250.

Singer

H.R.A. Annexure II duly completed in all respect is submitted herewith for kind information and necessary action please.

Yours faithfully,

Encl:- As above

Albert
Liu
7/22/2016

28
PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
ALL INDIA RADIO
PALACE COMPOUND
AGARTALA

Annexure - C/3

REGISTERED

NO. AGT/AIR/RNU/OI/3748

Dated, Agartala the 4th July, OI.

To
The Asstt. Accounts Officer,
IRLA Group, Computer - I,
Min. of I and B,
AGCR Building,
I. P. Estate,
NEW DELHI - 110002.

Sub :- House Rent Allowance in r/o Shri D. Dev Barman,
Correspondent IRLA No. 10250.

Sir,

Kindly refer to your letter No, PAO/IRLA/I and B/C-I/
10250/I42 dtd. 25.6.01 on the above mentioned subject. As
desired H.R.A. annexure is resubmitted for kind perusal. The
undersigned belong to All India transfer liability. Copy of
the transfer order from AIZAWAL to NAGPUR is enclosed herewith.
Previously, my A/C was maintained by the
Computer - V section.

Yours faithfully


(DEBARU DEV BARMAN)

Correspondent

(D. DEVARMAN)

Correspondent

A. I. R. Agartala:

Encl :-

H.R.A. Annexure

Copy of 3 nos transfer orders

Agartala
17/7/01
2006

D/C

-29-

Annexure - 4/4
48

**PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO: AGARTALA: 799 001**

No. AGT-7(2)/99-00/ 2269,

Dated, 26.03.2002.

To
The Pay & Accounts Officer, (Sh/1st Malik S.O. - by name)
Pay & Accounts Office, Computer-I Section,
Ministry of Information & B'casting,
IRLA Group, A.G.C.R. Building,
Indraprastha Estate,
New Delhi-110 002.

Subject:- Claim of H.R.A. of Sh. Debaru Dev Burman, Correspondent,
All India Radio, Agartala, w.e.f. 04/83 to 09/2001 IRLA
NO.:- 10250

Reference:-PAO/IRLA/C-1/10250/442 dt. 26.02.2002.

S i r,

Enclosed please find herewith one no. self representation regarding
claim of H.R.A. w.e.f. 04/83 to 09/2001 in respect of Sh.D. Dev Burman,
Correspondent, All India Radio, Agartala, IRLA NO. 10250 for needful
action at the earliest.

Yours faithfully

Enclo: As Above.

(A. K. PAL)
ASSTT. STATION DIRECTOR (DDO)
FOR STATION DIRECTOR.

Copy for kind information to:-

✓ Shri Debaru Dev Barman, Correspondent, All India Radio, Agartala.

FOR STATION DIRECTOR

(Signature)
27/3/02

PRASAR BHARATI 36-
BROADCASTING CORPORATION OF INDIA
ALL INDIA RADIO : AGARTALA

Anneause - c/4

19

To

The Pay & Accounts Officer(IRLA),
(Sh.Ish Malik,Section Officer -
by name)

Computer I Section
A.G.C.R.Building

I.P.Estate,
New Delhi - 110 002

Through proper channel

Subject:- Claim of H.R.A. of Sh.D.Dev Barman,IRLA-10250 w.e.f.
4/83 to 9/2001

Ref. NO.PAO/IRLA/C-1/10250/442 dt.26.02.02 of Sr. A.O.

Sir,

Kindly refer to your above cited letter No. addressed to Sh.C.P.Singh, Hindi Officer of AIR, Agartala on the above mentioned subject.

In this connection it is to state here that the H.R.A. claim was made to PAO since 1983 vide following request letter No despatched under REGISTERED POST.

1. NO.FEO/KMA/P.1/83-~~446~~ 426 dt.19.9.1983
2. NO.FEO/KMA/P.1/84-209 dt. 25.6.1984
3. NO.FEO/AGT/P.1/88/1039 dt.21.3.1989
4. NO.AGT-9(1)/98/AC dt.04.02.1999
5. NO.AGT-7(2)/99/AC/8516 dt. 29.12.1999
6. NO.AGT-7(2)/00-01/AC/2751 dt. 10.4.2000
7. NO.AGT-7(2)/99/819 dt. 26.3.01
8. NO.AGT-7(2)/00-01/AC/2859 dt. 16.5.2001
9. NO.AGT-7(2)/2000 - 01/AC/5822 dt. 01/10/01

It may not be out of place to mention here that H.R.A. were paid to the undersigned from SEPTEMBER,1986 to JUNE,1988.

Under this circumstances it is now requested that H.R.A. ~~claim~~ outstanding claim may kindly be settled at the earliest.

Yours faithfully,


(D.Dev Barman)
Correspondent

IRLA No. 10250

AMM
V.W.
27/1/06

S/P/Post

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
ALL INDIA RADIO: AGARTALA

REGD. POST

No. AGT-7(2)/2003-04/AC/ 5154,

Dated, 28.08.2003.

To
The Senior Accounts Officer,
Pay & Accounts Office (IRLA),
Min. of Information & B'casting,
A.G.C.R. Building, Computer Cell-II,
NEW DELGI- 110 001

Subject :- Regarding Non receipt of Annexure II A in support of HRA payment with effect from 4/1983 to 9/2002 in respect of Sri D. Devbarman, Correspondent, AIR, Agartala, IRLA NO- 10250.

S i r,
Enclosed please find herewith the self-explanatory representation with all needful documents in support of H.R.A. including arrear in respect of Sri Debaru Dev Barman, Correspondent, AIR, Agartala IRLA NO. 10250 for needful action at your end. However, it is stated that after joining of Sri D. Devbarman at this station i.e. on 18.06.1993, the HRA payment has not been made to him till date even non-availing of Govt. accomodation.

Enclo:- as above.

Yours faithfully

Sd/-
(C.P. SINGH)
HINDI OFFICER (DDO)
FOR STATION DIRECTOR

Copy to:-

✓ 01. Sri Debaru Dev Barman, Correspondent, All India Radio, Agartala for kind information.

Shri W. N. D.
FOR STATION DIRECTOR

*Shri D
L.W.
27/8/03*

To
 The Senior Accounts Officer
 Pay & Accounts Office (IRLA)
 Ministry of I & B
 A.G.C.R. Building
 New Delhi-110002.
 ~~~~~

Through The Station Director, AIR, Agartala.  
 ~~~~~

Subject :- Non receipt of Annexure II A in support of HRA
 payment with effect from 4/1983 to 9/2002 i.r.o.
 Sri D. Devbarman, Correspondent, AIR, Agartala, IRLA
 No. 10250.
 ~~~~~

Sir,

Kindly refer to your letter No. PAO/IRLA/I & B/CII/2003-2004/60 dated, 24.07.2003 addressed to the Station Director, AIR, Agartala and an endorsement to the undersigned on the above subject. As required, the copy of the following documents are enclosed herewith for kind perusal.

1. Annexure-II (in lieu of annexure IIA).
2. 8 (eight) Nos. CTC. with relevant transfer order
3. 7 (seven) Nos. I. T. for assessment of tax liability (1983, 1985, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, - the original house rent receipt were submitted to PAO, (IRLA), AGCR, New Delhi by registered post.

Moreover it may be mentioned here that no Govt. accommodation was provided to the undersigned during the entire period from 04/1983 to 9/2002 and the AIR, Agartala also not provided any Govt. residential accommodation with effect from 18-06-1993 to 11-07-2003.

Enclo:- As above.

Yours Faithfully.

  
 (D. Devbarman)  
 Correspondent, IRLA No 10250.

(on leave)

  
 Hand  
 27/7/03

33  
PAYSPLIT

## PAO(IRLA) MINISTRY OF I&amp;B

October-2004

## PARTICULAR

|            |                |             |               |            |        |
|------------|----------------|-------------|---------------|------------|--------|
| IRLA-ID    | 10250          | Name        | D DEV BURMAN  | Inc. Month | 5      |
| Acc. No.   | 29585          | Department  | N.S.D. AIR    | Grade      | S-15   |
| Birth Date | 1945-01-08     | City        | AGARTALA      | HPL        | 375    |
| Bank Code  | 138            | Designation | CORRESPONDENT | EL         | 293    |
| Deputation | Non-Deputation | Prasar      | Prasar Bharti | PNP        | N.Plan |

## PAYMENTS

| BASIC | SP    | CCA | CEA | PP | DP | IR | DBHRA | HRA  | TA  |
|-------|-------|-----|-----|----|----|----|-------|------|-----|
| 11575 | 30    | 0   | 0   | 0  | 0  | 0  | 0     | 1302 | 400 |
| DA    | DAPAY |     |     |    |    |    |       |      |     |
| 2431  | 5788  |     |     |    |    |    |       |      |     |

## SPECIAL ALLOWANCES

| BCA      | BA      | HCA      | ISDA | PA | RLA | SDA  | TRAVEL | TAA | H. CAP |
|----------|---------|----------|------|----|-----|------|--------|-----|--------|
| 0        | 0       | 0        | 0    | 0  | 750 | 2170 | 0      | 0   | 0      |
| TRA. ALL | SPL_ALL | DESK_ALL |      |    |     |      |        |     |        |
| 0        | 0       | 0        |      |    |     |      |        |     |        |

## Arrears &amp; Payment

|                          |           |
|--------------------------|-----------|
| 1. H.R.A.                | 13265     |
| 2. D.A.                  | 1563      |
| Total Arrears & Payments | 14828     |
|                          | GROSS PAY |

## DEDUCTIONS

| IT | HRR | CGEGIS | PLI | CGHS | GPF  | PROF. TAX | IIS FEE | GPF Rec. |
|----|-----|--------|-----|------|------|-----------|---------|----------|
| 0  | 0   | 60     | 0   | 0    | 2000 | 0         | 0       | 0        |

## Loan &amp; Advances

| Loan Type             | Installment For | Inst. Amount | Amount Paid | Total Amount |
|-----------------------|-----------------|--------------|-------------|--------------|
| Total Loan & Advances |                 | 0            |             |              |

## Transaction of Deductions

| Loan Type     | Installment For | GROSS DED. | 6040 |
|---------------|-----------------|------------|------|
| 1. Income Tax | 3980            |            |      |
| Grand Total   | 3980            |            |      |

| NET PAY | 33234 |
|---------|-------|
|         |       |

Report Run On 11/11/2004

PAYSLIP

## PAO(IRLA) MINISTRY OF I&amp;B

December-2004

69

PARTICULAR

|            |                |             |               |            |        |
|------------|----------------|-------------|---------------|------------|--------|
| IRLA-ID    | 10250          | Name        | D DEV BURMAN  | Inc. Month | 5      |
| Acc. No.   | 29585          | Department  | N.S.D. AIR    | Grade      | S-15   |
| Birth Date | 1945-01-08     | City        | AGARTALA      | HPL        | 375    |
| Bank Code  | 138            | Designation | CORRESPONDENT | EL         | 293    |
| Deputation | Non-Deputation | Prasar      | Prasar Bharti | PNP        | N.Plan |

PAYMENTS

| BASIC | SP           | CCA | CEA | PP | DP | IR | DBHRA | HRA  | TA  |
|-------|--------------|-----|-----|----|----|----|-------|------|-----|
| 11575 | 30           | 0   | 0   | 0  | 0  | 0  | 0     | 1302 | 400 |
| DA    | <b>DAPAY</b> |     |     |    |    |    |       |      |     |
| 2431  | 5788         |     |     |    |    |    |       |      |     |

SPECIAL ALLOWANCES

| BCA      | BA                     | HCA | ISDA | PA | RLA | SDA  | TRAVEL | TAA | H. CAP |
|----------|------------------------|-----|------|----|-----|------|--------|-----|--------|
| 0        | 0                      | 0   | 0    | 0  | 750 | 2170 | 0      | 0   | 0      |
| TRA. ALL | <b>SPL_ALLDESK_ALL</b> |     |      |    |     |      |        |     |        |
| 0        | 0                      | 0   |      |    |     |      |        |     |        |

Arrears & Payment

|                          |   |                  |       |
|--------------------------|---|------------------|-------|
| Total Arrears & Payments | 0 | <b>GROSS PAY</b> | 24446 |
|--------------------------|---|------------------|-------|

DEDUCTIONS

| IT    | HRR | CGEGIS | PLI | CGHS | GPF | PROF. TAX | DIS FEE | GPF Rec. |
|-------|-----|--------|-----|------|-----|-----------|---------|----------|
| 15896 | 0   | 60     | 0   | 0    | 0   | 0         | 0       | 0        |

Loan & Advances

| Loan Type             | Installment For | Inst. Amount | Amount Paid | Total Amount |
|-----------------------|-----------------|--------------|-------------|--------------|
| Total Loan & Advances |                 | 0            |             |              |

Transaction of Deductions

| Loan Type | Installment For | Grand Total |  |
|-----------|-----------------|-------------|--|
|           |                 | 0           |  |

**GROSS DED.**

15956

**NET PAY**

8490

Report Run On :25/1/2005-

Suman Bhattacharya

ADVOCATE

4/- 35

Annexure - E

Chamber :

54

Residence of Sr. Advocate Sri Saktimoy Chakrabarti

College Tilla, Agartala, Ph. : 251 5994 (C).

Time : Mor. 08.30 - 09.45 a.m., Eve. 07.00 - 10.00 p.m.

Sunday : 10.00 a.m. - 01.00 p.m.

Residence :

C/o. Bhattacharjee Villa

Opp. Desbandhu Chittaranjan Club,  
Shibnagar, Agartala, Ph. : 238 2483 (R).

Date - 15.8.2005

FOR AND ON BEHALF OF :-

Shri Debaru Dev Barman,  
IRLA No. 10250,  
S/o. Late Harendra Kishore Dev Barman,  
A resident of North of Water Supply Office,  
Dhaleswar, P.O. - Agartala College,  
P.S. - East Agartala, District-West Tripura.

To

1. The Union of India (through the Secretary, Ministry of Information & Broadcasting), Government of India, Shastri Bhavan, New Delhi - 110 001.
2. The Chief Controller of Accounts, Ministry of Information & Broadcasting, Government of India, Shastri Bhavan, New Delhi - 110 001.
3. The Deputy Controller of Accounts, Pay & Accounts Office (IRLA), Ministry of Information & Broadcasting, A.G.C.R. Building, I.P. Estate, New Delhi - 110 002.
4. The Pay & Accounts Officer (IRLA), Ministry of Information & Broadcasting, A.G.C.R. Building, I.P. Estate, New Delhi - 110 002.

*Almud  
N  
Tatark*

5. The Director General, All India Radio,  
Akashbani Bhawan, Parliament Street,  
New Delhi - 110 001 .

6. The Station Director, All India Radio,  
Palace Compound( North Gate) ,  
Agartala - 799 001 .

... Notice Receivers.

Subject :- LEGAL NOTICE OF DEMAND .

Sir(s) ,

Under instruction of my client, named  
above, I would like to address you as under :-

1) That, my client while serving under  
the Government of Tripura from 20.9.1966 in the Depart-  
ment of Printing and Stationery and in the post of  
Copy Holder got selection in the post of Exhibition  
Assistant under the notice receiver No.1 and joined  
the said post on 25.3.1973.

2) That, at the time of such joining in  
the post of Exhibition Assistant under the notice  
receiver No.1 he was given due benefits and protection  
of the service rendered under the Government of Tripura  
and accordingly, he discharged his duties in different  
posts and lastly went on retirement after attaining  
the age of superannuation on 31.1.2005 from the

- 3 -

Agartala Station of All India Radio as Correspondent.

3) That, after such retirement on superannuation, my client was issued the Pension Pay Order under No.28062/05/0035/3 dated 4.2.2005 by the notice receiver No.4. In page-3 of the said Pension Pay Order Book the particulars of service of my client has been recorded and in SL. No.5 of the same where the date of entry in the Government service was mentioned a clear date has been given i.e. 20.9.1966 when my client joined the service under the Government of Tripura and in SL. No.6 the date of ending the service has been mentioned correctly as on 31.1.2005.

Now, if the period of entry into the Government service and vis-a-vis the date of ending of the service are considered it would be crystal clear that the total period of service rendered by my client is 38 years, 4 months and 11 days. As per requirement of law one has to perform 33 years of service for getting full pension. In view of that settled legal position, my client is/was also entitled

to get the full Pension benefits after his retirement from service.

But, surprisingly in column No.9 of the said page No.3 of the P.P.O. the total length of qualifying service has been reflected as 22 years, 2 months and 4 days without any reason or basis whatsoever.

4) That, the said entry in SL. No.9 in page No.3 of P.D.O. being erroneous and highly prejudicial and detrimental to the interest of my client he, submitted a representation dated 31.5.2005 before the notice receiver No.4 stating inter alia all facts therein. In his said representation it was clearly mentioned that the service Book for the entire period of Non Gazetted Service from 20.9.1966 was sent to the Pay & Accounts Officer by the Supervisor, DAVP., Ministry of Information & Broadcasting , New Delhi, vide their letter No.A-22012/2/73/-EXH(A) dated 4.1.1983 along with other records. In the said letter of the DAVP dated 4.1.1983(Supra) it was clearly indicated that the prescribed proforma for allotment

of IRLA number duly completed. Last Pay Certificate and Service Book were forwarded to the notice receiver No.4. After receipt of the said particulars, Last Pay Certificate, Service Book etc. / Pay and Allowances of my client for Gazetted period through IRLA system was released as would be confirmed by the DAVP letter No.A-20012/2/73-EXH.(A) dated 29.4.1983. In the said representation my client, therefore, requested the notice receiver No.4 to review the P.D.O., specially the qualifying service, as it required correction by taking the service for the period from 20.9.1966 to 31.1.2005 into account for the purpose of calculating the Pension and other retiral benefits such as gratuity.

5) That, to his utter misfortune , the said notice receiver No.4 has not considered it necessary to take any action in the light of the request made in the representation or even to favour my client with a reply as to why he should not be given the full Pension benefits on the basis of his total length of qualifying service far in excess of 33 years.

6) That, my client was entitled to house

rent allowance from 1st January, 1983 and he made repeated approaches before you the notice receivers for releasing the house rent allowance in his favour but no action has yet been taken, though my client went on retirement on 31.1.2005. It is, however, interesting to note that you have paid him the house rent allowance for a period of 2 years from September, 1986 to June, 1988 while he was posted in Nagpur Station under DAVP. But, the periods before and after that dates have been ignored except the period from September, 2003 to September, 2004 when my client was posted in the Silchar Station of All India Radio as a Correspondent. My client is, therefore, entitled to the house rent allowances excepting the periods he has been paid the same, as reflected above.

7) That, the Leave Encashment Bill duly prepared for an amount of Rs.1,97,940/- was sent by the Administrative Officer of All India Radio, Agartala Station, before you the notice receiver No.4 as enclosure to his letter No. AGT. 13(2)/2005-S/861 dated

16.2.2005 and another Bill for Rs.39,990/- was also sent to you, the notice receiver No.4 from Agartala Station of All India Radio as enclosure to his letter No. AGT.13(2)/2005-S/2020 dated 18.4.2005, but to his utter dismay and misfortune my client has not yet been paid a single penny with reference to the said two Bills admittedly when there is no valid and cogent reason behind such unreasonable and inordinate delay.

8) That, from the factual backdrop narrated above it would be crystal clear that my client has been put to face prejudice for no lapse, negligence or lacuna on his part but on the part of you, the notice receivers. After retirement from service the total income of my client has dropped down to a great extent, and because of non receipt of legitimate payments, he has been facing serious hardships in maintaining his livelihood and the livelihood of the members of his family dependent on him because of certain reason un-intelligible to my client.

In view of above, it is demanded

Contd...P/8

- 8 -

on behalf of my client that you, the notice receivers are to correct the Pension Pay Order (P.P.O.) of my client so far entry made against SL. No. 9 of page-3 of the same is concerned where the total length of qualifying service has been erroneously shown as 22 years, 2 months and 4 days actually when it was 38 years, 4 months and 11 days (from 20.9.1966 to 31.1.05) and calculate the full Pension after such correction followed by payment of arrear Pension to him including the amounts involved in Gratuity, House Rent Allowances, Leave Encashment and Insurance as indicated above after completing the exercises within a period of 2(two) months from the date of receipt of this notice, otherwise, my client will approach the competent legal forum for redress at your risk and cost and in that case he will also claim interest on the arrear Pension and other outstanding dues @ 15% per annum from the date of retirement till the date of payment.

Drawn and served under  
my instruction :

*Debaru Dev Barman*  
( Debaru Dev Barman )  
15/8/05

GIVEN UNDER MY HAND

*S.Bhattacharya*  
( Suman Bhattacharya )  
15/8/05  
Advocate.

|           |              |
|-----------|--------------|
| दूरभाष    | 23702280     |
| Telephone | 23702287     |
| फैक्स     | 011-23702281 |
| Fax       |              |

- 43 -

भारत सरकार  
भुगतान एवं लेखा कार्यालय (इरला)  
सूचना और प्रसारण मंत्रालय  
ए.जी.सी.आर. भवन, नई दिल्ली-110 002

GOVERNMENT OF INDIA  
PAY & ACCOUNTS OFFICE (IRLA)  
MINISTRY OF INFORMATION & BROADCASTING  
A.G.C.R. BUILDING, NEW DELHI - 110 002

पत्र संख्या/Ref. No. PAO/IRLA/I&amp;B/ 1606-1610

Dated 16-9-05

To

The AG, AIR  
New Delhi

Subject: Creating of post service.  
Sir

(IRLA No 10250)

Shri D. Dev Berman (Ex Correspondent) has served this office a notice through his advocate, Kunal Bhattacharya for creating of post service rendered in printing & Stationery department Govt. of Tripura from 20-9-1966 to 23-3-1973. He has joined as exhibition Asst in DAVP M/0243 on 26-3-1973 till he was selected to the post of correspondent in AIR.

Sarcastic You are therefore requested to please issue such an order for creating the service period from 20-9-1966 to 23-3-1973 so that the benefit of total qualifying service could be allowed to Shri D. Dev Berman who worked as Sherr-Officer.

Yours faithfully,

Pr. Accounts Officer

Subroto  
Bhattacharya  
25/12  
( H. Bhattacharya )  
Under Secretary to the  
Government of Tripura.

Pto

Copy to the Director, DAW M/0183,  
 P.T. Building New Delhi for issue of  
 Certificate of service in respect of  
 Shri A. Dev Berman (P.R.L.A - 10250) from  
 24-3-1973 to 26-11-1982.

Copy to the Shikhar Director AIR  
 Aeronautics for information.

Copy to the S.S. AIR Silence for  
 information.

Copy to Sh. A Dev Berman  
 North of Water Supply office Shalimar B.  
 Aeronautics College, Trivandrum-18 for  
 information.

✓ Copy to Suman Bhattacharya Advocate  
 & Bhattacharyee Nils. Project Desbandhu  
 Chittaranjan Club Shilparam, Aeronautics  
 A.D. to his notice on 15-8-2005 for  
 information.

*J. M. Arora*  
 For Accounts Officer

**Suman Bhattacharya**  
ADVOCATE

Office : Room No. - 3, Tripura Bar Association, Ph. : 222 5598 (O).

O/C - 45

Annexure - G

Chamber :

Residence of Sr. Advocate Sri Saktimoy Chakraborti  
College Tilla, Agartala, Ph. : 251 5994 (C).  
Time : Mor. 08.30 - 09.45 a.m., Eve. 07.00 - 10.00 p.m.  
Sunday : 10.00 a.m. - 01.00 p.m.

Regd. with A.D

Residence :  
C/o. Bhattacharjee Villa  
Opp. Desbandhu Chittaranjan Club,  
Shibnagar, Agartala, Ph. : 238 2483 (R).

Date : 01.10.2005

For and on behalf of

Shri Debaru Dev Barman  
S/O. Late Harendra Kishore Dev Barman  
I.R.L.A. No.10250  
A resident of North of Water Supply Office,  
Dhaleswar, P.O. Agartala College,  
P.S. East Agartala,  
District-West Tripura.

To

The Pay and Accounts Officer(IRLA),  
Ministry of Information and Broad Casting,  
A.G.C.R. Building, I.P. Estate,  
New Delhi-110002.

Reference:- Letter of the Senior Accounts Officer bearing  
No.PAO/IRLA/I & B/PEN/1606-1610 dated 16.9.2005.

Sir,

I, on behalf of my client, named above, do hereby  
acknowledge the receipt of the letter of the Senior  
Accounts Officer,cited above and would like to inform you  
that the question of sanction order for counting the ser-  
vice period of my client from 20.09.1966 to 23.03.1973 for  
giving the benefit of the total qualifying service of my x  
client had already been settled and decided as back as on  
19.1.1976 when the Section Officer for D.A.V.P. by issuing  
a Memorandum bearing No.A.23012/1/74-ESTT.II dated 19.1.1976  
informed my above named client that in the office  
record continuity of his service from the date of his

*Amrit  
27/10/06*

Conti.....p/2

initial appointment under the Government of Tripura on 20.9.1966 has been recorded. He was, however, informed that his seniority in the grade of Exhibition Assistant will however, be counted from the date of his appointment in the grade on 24.3.1973 (A.N.).

For favour of your kind ready reference a xerox copy of the said Memorandum dated 19.1.1976 issued by the Section Officer for D.A.V.P. is enclosed.

In view of the aforesaid factual back-drop the request made by you in your letter under reference to the D.G., A.I.R., New Delhi may not be required afresh as the said matter has been settled and decided as back as in the year 1976.

However, my client expresses his happiness for the response made by you with reference to the notice served on behalf of him and at the same time request you to regularise his pension in the light of the demand made in the demand notice dated 15.8.2005 served on behalf of my said client at your earliest convenience. Another aspect~~s~~ of

the demand notice might have escaped your attention as nothing has been mentioned in your letter under reference about the grievances expressed by my client regarding the non-payment of house rent allowance to him for a particular period, as specifically reflected in that notice.

You are requested to render redress to my client in this regard also so that his grievances are redressed departmentally.

In the letter under reference it is further noticed that a copy of the same has been given to the Director, D.A.V.P., M/O. I & B. for issuing of certificate of service in respect of my client from 25.3.1973 to 26.11.1982.

In this context, copies of 2(two) letters bearing No. A-22012/2/73/EXH(A) dated 4.1.1983 and letter dated 29.4.1983 are enclosed for your satisfaction regarding the service rendered by my client under D.A.V.P.

Your prompt action will be highly appreciated.

Yours faithfully,  
 S.Bhattacharya  
 (Suman Bhattacharya)  
 Advocate.

Enclos:-As stated.

Contd.....p/4

Copy to:-

The Senior Accounts Officer, Pay and Accounts Office(IRLA), Ministry of Information and Broad Casting, A.G.C.R. Building, New Delhi-110002 for favour of kind information and necessary action please.

( Suman Bhattacharya)  
Advocate.

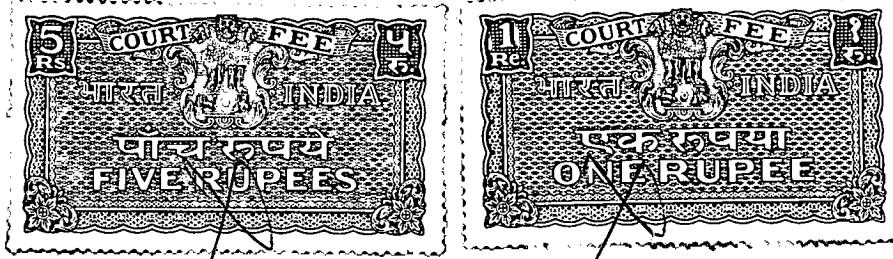
Due -Drawn statement of house rent allowance w.e. from December 1982 to January 2005 in respect of Sree Debaru Devbarman, Ex correspondent of All India Radio, Agartala (IRLA NO - 10250)

| Sl. No       | Basic pay per month | Period / duration | Total month | Rate of HRA | HRA drawn           | HRA due            | Total due/ difference |
|--------------|---------------------|-------------------|-------------|-------------|---------------------|--------------------|-----------------------|
| 1.           | 650/-               | 12/82 to 3/83     | 04          | 7.5%        | Nil                 | 48.75 x 4          | 195.00                |
| 2.           | 650/-               | 04/83 to 10/83    | 07          | 7.5%        | Nil                 | 48.75 x 7          | 341.25                |
| 3.           | 680/-               | 11/83 to 10/84    | 12          | 7.5%        | Nil                 | 51x12              | 612.00                |
| 4.           | 710/-               | 11/84 to 10/85    | 12          | 7.5%        | Nil                 | 53.25x12           | 639.00                |
| 5.           | 740/-               | 11/85 to 12/85    | 02          | 7.5%        | Nil                 | 55.55x2            | 111.00                |
| 6.           | 2120/-              | 01/86 to 08/86    | 08          | 300PM       | Nil                 | 300x8              | 2400.00               |
| 7.           | 2180/-              | 09/86 to 10/86    | 02          | 300PM       | 160.35 x 2 = 320.70 | 300x2              | 279.30                |
| 8.           | 2240/-              | 11/86             | 01          | 300PM       | 160.35 x 1 = 160.35 | 300x1              | 139.65                |
| 9.           | 2240/-              | 12/86 to 10/87    | 11          | 450PM       | 450 x 11 = 4950.00  | 450x11             | -----                 |
| 10.          | 2300/-              | 11/87 to 06/88    | 08          | 450PM       | 450 x 8 = 3600.00   | 450x8              | -----                 |
| 11.          | 2300/-              | 07/88 to 10/88    | 04          | 300PM       | Nil                 | 300x4              | 1200.00               |
| 12.          | 2300/-              | 11/88 to 09/89    | 11          | 300PM       | Nil                 | 300x11             | 3300.00               |
| 13.          | 2375/-              | 10/89             | 01          | 300PM       | Nil                 | 300x1              | 300.00                |
| 14.          | 2450/-              | 11/89 to 10/90    | 12          | 300PM       | Nil                 | 300x12             | 3600.00               |
| 15.          | 2525/-              | 11/90 to 10/91    | 12          | 300PM       | Nil                 | 300x12             | 3600.00               |
| 16.          | 2600/-              | 11/91 to 10/92    | 12          | 300PM       | Nil                 | 300x11             | 3300.00               |
| 17.          | 2675/-              | 11/92 to 09/93    | 11          | 300PM       | Nil                 | 300x1              | 300.00                |
| 18.          | 2675/-              | 10/93             | 01          | 300PM       | Nil                 | 300x11             | 3300.00               |
| 19.          | 2750/-              | 11/93 to 10/94    | 12          | 300PM       | Nil                 | 300x12             | 3600.00               |
| 20.          | 2825/-              | 11/94 to 12/94    | 02          | 300PM       | Nil                 | 300x2              | 600.00                |
| 21.          | 2825                | 01/95 to 05/95    | 05          | 300PM       | Nil                 | 300x5              | 1500.00               |
| 22.          | 3000/-              | 06/95 to 12/95    | 06          | 300PM       | Nil                 | 300x6              | 1800.00               |
| 23.          | 9100/-              | 01/96 to 04/96    | 04          | 7.5%        | Nil                 | 682.5x4            | 2730.00               |
| 24.          | 9375/-              | 05/96 to 04/97    | 12          | 7.5%        | Nil                 | 703.12x12          | 8437.44               |
| 25.          | 9650/-              | 05/97 to 04/98    | 12          | 7.5%        | Nil                 | 723.5x12           | 8685.00               |
| 26.          | 9925/-              | 05/98 to 04/99    | 12          | 7.5%        | Nil                 | 744.37x12          | 8932.44               |
| 27.          | 10200/-             | 05/99 to 04/2000  | 12          | 7.5%        | Nil                 | 765x12             | 9180.00               |
| 28.          | 10475/-             | 05/2000 to 04/01  | 12          | 7.5%        | Nil                 | 785.62x12          | 9427.44               |
| 29.          | 10750/-             | 05/01 to 04/02    | 12          | 7.5%        | Nil                 | 806.25x12          | 9675.00               |
| 30.          | 11025/-             | 05/02 to 04/03    | 12          | 7.5%        | Nil                 | 827x12             | 9924.00               |
| 31.          | 11300/-             | 05/03 to 03/04    | 11          | 7.5%        |                     | 848x11             | 9328.00               |
| 32.          | 11300+DP5650        | 04/2004           | 01          | 7.5%        |                     | 1271x1             | 1271.00               |
| 33.          | 11575+DP5788        | 05/04 to 01/05    | 09          | 7.5%        | 17171.00 UPTO 12/04 | 1302x9             | 11.718.00             |
| <b>Total</b> |                     |                   |             |             | <b>Rs.26,202.00</b> | <b>Rs.1,29,756</b> | <b>Rs.1,03,554.00</b> |

Total Amount (Rs. 1,03,554.00) (Rupees one lac three thousand five hundred fifty four only)

*Debaru Dev Barman*  
(Debaru Dev Barman) 24/02/06  
Ex Correspondent,  
AIR Agartala  
IRLA A/C No. - 10250

*Almora  
P.M. 2006*



HBA - 5434

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI, BENCH AT GUWAHATI



**VAKALATNAMA**  
In the <sup>Central A</sup> Gauhati High Court

(The High Court of Assam, Nagaland,  
Meghalaya, Manipur, Tripura, Mizoram  
and Arunachal Pradesh).

WA/WP(C)/LA(APP)CRP/

Review Pet./C.Ref/Cont Cas(C) D.A.

2006

RFA/RSA/CO/SAO/LFA/SPA

No. .... of.....

Appellant  
Petitioner

CMAPPL/MAC(APPL)/IA

CrL (A)/Bail Appln/Tr P(C)

Shri Debarun Debnanjan

- Versus -

UNION OF INDIA 2005.

Respondent / Opposite Party

KNOW ALL MEN BY THESE PRESENTS that I/We SHRI DEBARU DEBNANJAN

SLI LATE HARINANDRA KISHOR DEBNANJAN,

OF DHALSWAR, AGARTALA, WEST TRIPURA.

do hereby in my / our name / names and on my / our behalf constitute and appoint

Shri/Savasri SHRI MANIK CHANDA, SHRI S.NATH

PRANAB SARAN AND ABHIJIT SENGupta, as my / our

ture and lawful Advocate/Advocates to appear and act for me / us in the above case to file appeals from decree or award or order in original suit, or case or from appellate, decree or from order in case Civil / Criminal /Revenue or any order, proceeding etc. to file written objection in appeals / cases whenever necessary, to conduct appeal or case on my / our behalf and for that purpose to examine witnesses and to do all acts and things whatsoever as required to be done in connection therewith, such as compromising of the above matter, depositing or withdrawing any money in from the Court / Office, filing of any document / documents in the Court / Offices, referring matters in dispute between the parties hereto to arbitration, withdrawing the above matters with liberty to file appeal / cases proceeding afresh, receiving properties, release form attachment, filling execution or miscellaneous cases, bidding at Execution Sale, obtaining payment from the High Court, withdrawing custoday and other fees and doing on my / our behalf such other acts in the above matters as are necessary and proper.

In case of my / our failure to comply with any instruction given by my lawyer in connection with this case the lawyer shall have no liability for any loss suffered by me / us for any adverse order against me/ us

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate / Advocates as my /our own acts as if done by me/us, execute this Vakalatnama on this 27/1/2006 day of Feb 2006

II. V, From-3000 April, 2005

*Subscribed  
Advocate Debarun Debnanjan and accepted  
2006*

*Abhijit Sengupta, Advocate*

NOTICE

From,

Subekta Nath

A Advocate

Central Administrative Tribunal.

Copy Bench, General

To,

Sr. C. G. S. C.

CAT, General

Ref:- Sri Debashri Banerjee - vs. U.O.I v. Ors.

Sir.

Enclosed kindly find herewith a copy of O.A no  
mentioned above which has been filed today.

This is for your information & necessary action.

Kindly acknowledge receipt of the same.

Received Copy.

Alka Das

Addl. Cllc

27/2/06.

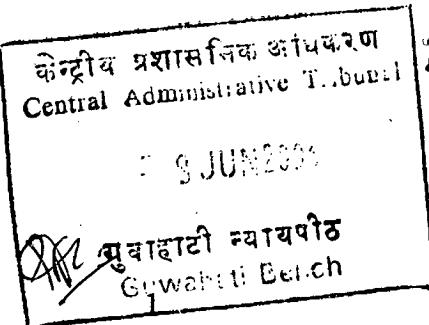
For Sir. C. G. S. C.

Feeling You -

Subekta Nath

A Advocate

27/2



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO. 51/2006

SHRI DEBARU DEV BARMAN

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS

- 1) That the respondents have received copy of OA and have gone through the same and have understood the contentions made thereof. Save and except, the statements, which are not specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 4 (A) of the OA the respondents beg to offer no comment as it is a matter of record.
- 3) That with regard to the statement made in paragraph 4 (b) of the OA, the respondents beg to state that in the Memorandum dated 19.1.1976 of Ministry of Information and Broadcasting addressed to Shri D. D. Burman, it was mentioned that he is in continuous Government Service from 20.9.1966. It is nowhere mentioned that services rendered by Shri Burman with the Govt. of Tripura will count for the pensionary benefits as per provision of CCS Pension Rules. It is also not endorsed to PAO.
- 4) That with regard to the statement made in paragraph 4(d) of the OA, the respondents beg to state that PAO (IRLA) examined the pension papers submitted by SD, AIR, Agartala and it was seen that necessary certificate for counting of services rendered non-gazetted period were not enclosed. A request was made to the concerned authorities for issueing of necessary certificates as per Provision of CCS Pension Rules. It the mean time to avoid hardship to the pensioner his pensionary

Filed by  
the Respondents through  
Abdul e hse  
08/06/06  
Guwahati  
Date  
08/06/06

benefits were authorized based on the services rendered by Shri D. D. Burman as per the record of PAO i.e. for Gazetted period.

It is further submitted that Pay & Accounts Officer (IRLA), Min. of I&B, New Delhi has been counted past services rendered by Shri D. D. Barman from 1966 to 1973 on the basis of letter received from DAVP, Min. I&B, and allowing pensionary benefits of 33 years of service. Revised PPO has also been issued to Shri Barman.

Copies of the letters are annexed herewith and marked as Annexure- R 1& R2.

- 5) That with regard to the statement made in paragraphs 4 (e) & (f) of the OA the respondents beg to state that at the time of issuing of PPO the required certificates were not available with PAO (IRLA), the PPO was based on the basis of service rendered during gazetted period. That was in fact not wrong entry but was actually on the basis record available with PAO (IRLA).
- 6) That with regard to the statement made in paragraph 4 (g) of the OA, the respondents beg to state that entitlement of the petitioner for house rent allowance admissible from 1.1.1983 were released on the basis of certificate to be furnished by the Head of Office as required under House Rent Allowance Rules.
- 7) That with regard to the statement made in, paragraph 4(h) of the OA, the respondents beg to state that the claim of the applicant for paying Rs. 103554/- as HRA is erroneous as the claimant had calculated the HRA without seeing the provision of Rules for entitlement of HRA during the period under reference. His HRA entitlement was calculated on the basis of the rules proposed at that time for the payment of HRA and the arrears were released vide Cheque No. 695544 dated 07.04.06 for Rs. 81,626. In his due drawn statement appended with the petition the applicant has shown his entitlement on higher side and in some cases he was paid excess of his entitlement, which he has not disclosed.
- 8) That with regard to the statements made in paragraphs 4(i) (j)& (k) of the OA, the respondents beg to state that after receiving the certificate for counting of services

from 24.3.1973 to 20.11.1982 in the manner as prescribed under Rule 59 (iv) of CCS Pension Rules. PAO (IRLA) immediately revised his entitlement on the basis of full qualifying service and released his pensionary benefits vide PPO Authority No. 28062/05/0035/3 dated 29.3.2006.

- 9) That with regard to the statement made in paragraph 4(l) of the OA, the respondents beg to offer no comment.
- 10) That with regard to the statement made in paragraph 4 (m) of the OA, the respondents beg to state that the due drawn statement appended with the application by the applicant is actually not correct as in some period more entitlement and also in some cases he was paid more HRA which he is claiming that it is his entitlement which is not correct.

The respondents crave leave of this Hon'ble Tribunal to produce the copy of the rules in force at the time of hearing of the case.

- 11) That with regard to the statement made in paragraph 4 (n) of the OA, the respondents beg to state that the PPO has since been revised and due benefits on the basis of full qualifying service and also HRA as due as per the provision of Rules have now been released.
- 12) That the humble respondents beg to submit that both the reliefs sought by the applicant in his Original Application has since been complied with the Hon'ble Tribunal may be pleased to appropriate order considering the facts and circumstances of the case.

4-

## VERIFICATION

I ..... Abdur Rahman Sheikh ..... aged .....  
about ..... 49 ..... years ..... at ..... present ..... working ..... as .....  
..... Superintending Engineer, AIR, Guwahati (HOO) .....  
....., who is taking steps in this case, being duly authorized to sign on behalf of all the respondents and competent to sign this verification, do hereby solemnly affirm and state that the statement made in paragraph

2 to 11 ..... are true to my knowledge and belief, those made in paragraph 2 to 11 ..... being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this ----- 7 th day of June 2006 at Guwahati

*Abdur Rahman*  
DEPONENT

**Superintending Engineer  
All India Radio  
GUWAHATI**

- 62 - 5 -

Amaran - R 1

दूरध्वाप : 3317426/521/529/630  
 PHONE : 3318982, 3719973  
 FAX : 011-3311708

राष्ट्र सरकार  
 GOVERNMENT OF INDIA  
 वेतन एवं लेखा कार्यालय (इसला)  
 PAY & ACCOUNTS OFFICE (IRLA)

मूल्यांकन एवं प्रसारण मंत्रालय

MINISTRY OF INFORMATION &amp; BROADCASTING

राजी.सी.आर. भवन, नई दिल्ली-110002

A.G.C.R. BUILDING, NEW DELHI-110002

PSC/184A/Pay/M/02/43/2923-2924

76

Dated 27-3-06 108

Shri Debashish Dev Burman  
 North of Water Supply Office  
 Bhaleswar P.O. After the College,  
 Thiruvananthapuram - 695001

Subject: Comptny of fast service.

Sir

Your fast service from 20-02-1966  
 to 28-02-1975 has been considered on the basis  
 of letters received from D.A.R.P. M/02.CB dated 15-02-1976  
 & 20-03-2006 allowing full pensionary benefits  
 of 33 yrs of service. Revised authority is being  
 issued.

Yours faithfully

Dr. Accounts Officer

Copy to the Dy. Dir (Admin), D.A.R.P. of C.M.  
 M/02.CB, B Block, K.G.Marg, New Delhi-110020, I.P.  
 for information wrt letter re A-38020/Trans/  
 Admin. IR dt 20-03-2006.

Dr. Accounts Officer  
 M/02.CB  
 27/3/06 O/C

Attested  
 V.S.  
 And Chd

7-6-75

Amrit - R2

**PAY & ACCOUNTS OFFICE (IRLA)**  
**M/O INFORMATION & BROADCASTING**  
**A.G.C.R. BUILDING, NEW DELHI**

PAO/IRLA/1&amp;B/PEN/Rev. 1

Dated :

To,

✓ The Pay & Accounts Officer  
 Central Pension Accounting Office,  
 M/o Finance, Deptt. of Expenditure,  
 Trikoot-II, Bhikaji Cama Place  
 Behind Hyatt Regency  
 New Delhi-110066

Subject : Revision of pension of Sh/Smt. D.D. Burman  
 holder of PPO No. : 96467/05/0035/3

Sir,

I request you to make arrangement for carrying out the modifications in both the halves of the said PPO as detailed below :

1. Revised pension is Rs. 8661/-  
 (Rupees Eight thousand six hundred sixty one only)  
 Effective from 01-02-2005  
 Revised pension commuted Rs. 2165/-  
 (Rupees Two thousand one hundred sixteen only)  
 Revised reduced pension after commutation Rs. 6496/-  
 (Rupees Six thousand four hundred ninety six only)  
 Effective from the date differential value is calculated in his account  
 a. Differential commuted value paid or being arranged through Pay and Accounts Office  
 (Rs. 6496/-  
 (Rupees Six thousand four hundred ninety six only)  
 b. Differential commuted value of pension payable by the Bank Rs. 84994/-  
 (Rupees Eighty four thousand nine hundred and ninety four only)  
 (Addl. amount of Death-Bum-Berthment-Gratuity payable by the bank due to revision. This should be prominently marked as not applicable) if addtl. amount of gratuity is arranged through Pay & Accounts Officer concerned or no Death/Retirement Gratuity payable as a result of revision Rs. 0/-

Attended  
 [Signature]  
 Addl Chc

Revised family pension

a. As enhanced rate Rs. 8661/-(Rupees Eight thousand six hundred sixty one only)  
upto 07-01-2012b. At normal rate Rs. 5209/- Rupees Five thousand two  
hundred nine only) w.e.f. 08-01-2012

## 5. Details of Distribution Bank:

1. Name of Bank: United Bank of India2. Branch & Code No. if any: HGB Road3. Account No. 3957734. Distt. of Agartala5. State Tripura

Yours faithfully,

Sr. Accounts Officer

Copy to:

Shri/Smt. D.D. Burman North of Water Supply Office,  
 Shalimar, P.O. Agartala College Tripura-799004  
 for information. Your service has been counted  
 w.e.f. 20-9-1966.

Sr. Accounts Officer

Copy to the D.G., AIR Akashvani Bhawan,  
 Parliament Street, New Delhi for information.

Copy to the Station Director AIR Palace  
 Ground (North Gate) Agartala-799001 for  
 information. Shri Burman's past service  
 has been counted on the basis of letters received  
 from D.A.R.M.O. I.C.B. vide No. A-23012/1/74-Lst. II  
 dt. 19-01-1976 & No. A-38020/1/2005-Airline. IV  
 dt 20-03-2006.

Sr. Accounts Officer

Attested  
 Dated  
 Addl Chd C

Notice

xx

Date - 8/6/06.

From,  
Usha Das.

Addl Chc

To,

Mr. M. Chanda

Mr. S. Nath

Advocates

Sub: OA No. 51/2006 filed by Sri D.D. Barma

Sis,

Please find herewith a copy of  
WS being filed today. Kindly  
acknowledge receipt thereof.

Thanking You,

Received copy  
[initials]  
Advocate

Sincerely Yours

Usha Das.

Addl Chc

23/07/2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

Filed by the applicant  
through: S. Nakk  
Date: 21.05.2006

In the matter of: -

O.A. No. 51 of 2006

Shri Debaru Dev Barman.  
-Versus-  
Union of India & Ors.

-And-

In the matter of: -

Rejoinder submitted by the  
applicant in reply to the written  
statements submitted by the  
respondents.

The applicant above named most humbly and respectfully begs to state as  
under: -

1. That with regard to the statements made in paragraphs 1, 2, and 3 of the written statement the applicant categorically denies statements save and except those are matters of records and further begs to say that in the Memorandum dated 19.01.1976 (Annexure- A to the O.A), issued by the Director of Advertising & Visual Publicity it is stated that the applicant has been in continuous Govt. service from the date of his initial appointment under Tripura Govt. i.e. 20.09.66. Therefore, it is quite clear that the respondents authority are very much aware that the applicant

2

was initially appointed under the Govt. of Tripura on 20.09.1966 as such it is the duty of the respondents to decide that whether the applicant will be entitled for pensionary benefits as per provision of CCS (CCA) Pension Rule as well as to inform this to the PAO well in advance to the retirement on superannuation of the applicant. But the respondent authority failed to take action in time as result there was delay in payment of pensionary benefits to the applicant and the applicant cannot be held responsible for such delay. Moreover, on the basis of memorandum dated 19.01.1976 the respondents counted 33 years of service of the applicant at the time of proposal for payment of pensionary benefits as such it can rightly be concluded that all the papers and relevant documents was all along with the respondents and action in right time on the part of the respondents could have avoided delay in payment of pensionary benefits to the applicant. It is also stated that the applicant was issued the pension pay order dated 04.02.2005 (Annexure- B to the O.A) by the respondent No. 4, in the said pension pay order book the particulars of service of the applicant has been recorded, in Sl. No. 5 of the same PPO, date of entry in the Govt. service was mentioned as 20.09.1966. Finding entry at Sl. No. 9 of the PPO being erroneous and highly prejudicial and detrimental to the interest of the applicant he submitted representation on 31.05.2005 but the respondents did not take any action on the representation of the applicant for counting his length of service as 33 years for pensionary benefit as such delay in payment of pensionary benefits to the applicant occurred. It is relevant to mention here that the contention raised by the applicant in his representation dated 31.05.05 is correct for counting the length of service for the purpose of pensionary benefits, therefore, the respondents could have taken steps for correction in the PPO after receipt of the representation and in that event it was not required on the part of the applicant to approach before this Hon'ble Tribunal.

2. That the applicant categorically denies the statements made in para 4, 5 and 8 of the written statement and begs to state that as per PPO the date of entry in service of the applicant is shown from 20.09.1966, therefore contention of the respondents that memorandum dated 19.01.76 not endorsed to PAO is not correct. It is further stated that applicant after receipt of the incorrect pension pay order on 13.05.05 submitted his representation on 31.05.05 stating interalia that the service book for the entire period of non gazetted service from 20.09.1966 was sent to the Pay & Accounts Officer by the Supervisor, DAVP, Ministry of Information and Broadcasting, New Delhi, vide their letter dated 04.01.83 along with other records but the respondents did not take any action on the representation of the applicant. Thereafter, finding no response on the part of the respondents applicant served Lawyer's notice on 15.08.2005 for correction in the PPO and calculation of full pension and after such correction for payment full pension. In the said Lawyer's notice it was also stated for completing of the above exercise within a period of 2 (two) months from the date of receipt of the notice and in the event of non-payment of the dues within the said period of two months the applicant would claim interest 15% on the arrear pension and other outstanding dues but the respondents did not take any action after receipt of the notice dated 15.08.05 as such the respondents compelled the applicant to approach before this Hon'ble Tribunal praying for a direction upon the respondents for correction in the PPO dated 04.02.05 about total length of qualifying service of the applicant as 38 years 4 months and 11 days and further prayed for a direction upon the respondents to calculate full pension after such correction. The applicant also prayed for a direction upon the respondents to pay interest 15% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.05 till the date of payment. Be it stated that the respondents did not show any reason in the written statement as to why the representation submitted by the applicant on 31.05.05 as well the Lawyer's notice dated 15.08.05 and 01.01.05 was

not replied or no action was taken by the respondents for correction in the counting of length of service of the applicant and for payment of full pensionary benefits on the basis of corrected PPO as such it can rightly be said that the delay in payment of full pensionary benefits is due to lapse of the respondents and the respondents are duty bound to pay interest of 15% as claimed by the applicant in the instant application at prayer No. 8 (d).

It is further submitted that due to inaction of the respondents on the representation submitted by the applicant and also after receipt of the Lawyer's notice dated 15.08.05 and dated 01.10.2005 for payment of full pensionary benefits of the applicant on the basis of corrected length of qualifying service as such the applicant incurred huge financial loss and he was also compelled to approach before this Hon'ble Tribunal. Be it stated that the respondents after receipt of the notice issued by this Hon'ble Tribunal in the instant Original Application on 27.02.06 took the matter with PAO (IRLA) and after examination the pension papers found that the contention of the applicant raised in his representation dated 31.05.05 and Lawyer's notice dated 15.08.05 and dated 01.10.2005 are correct and issued the letter dated 27.03.06 for payment of full pensionary benefits on the basis of 33 years of service. As such the delay in payment of full pensionary benefits can rightly be attributable to the respondents and the respondents are duty bound to pay the interest of 15% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.05 till the date of payment. It is further submitted that the present applicant is a retired Government servant and due to the inaction on the part of the respondents the applicant was compelled to approach before this Hon'ble Tribunal and the applicant suffered huge financial loss due to the lapse of the respondents as such the Hon'ble Tribunal be pleased to direct the respondents to pay interest @15% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.05 till the date of payment.

3. That with regard to the statements made in paragraph 6, 7, 9, 10, 11 and 12 of the written statement the applicant denies the correctness of the same save and except which are borne out of record and further begs to state that respondents have not complied with the relief prayed in paragraph No. 8 (d) of the Original Application i.e. the respondents have not paid interest of 15% on the arrear pension and other outstanding from the date of retirement i.e. 31.01.2005 till the date of payment.

Applicant in support of his contention raised above relies upon the following judgments and orders of Hon'ble Apex Court:

1. AIR 2000 SUPREME COURT 3513 (2) Vijay L. Mehrotra Vs. State of U.P and Ors. (Annexure- A)
2. AIR 1997 SUPREME COURT 27 S.R. Bhanrale Vs. Union of India & Ors. (Annexure- B)

4. That in the facts and circumstances stated above the prayer No. 8 (d) of the Original Application deserves to be allowed with costs.

VERIFICATION

I, Shri Debaru Dev Barman S/o- Late Harendra Kishore Deb Barman, aged about \_\_\_ years, resident of North of Water Supply Office, Dhaleswar, P.O- Agartala College, East Agartala, West Tripura, do hereby verify that the statements made in Paragraph 1 to 4 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 26<sup>th</sup> day of August 2006.

Debaru Dev Barman

81  
Annexure A

seen

Vijay L. Mehrotra v. State of U.P.

S. C. 3513

strict Judge. The Court held that if it himself or his subordinate is incompetent Court, then the suit may be filed in another Court. Order accordingly.

Appeal No. 2066 of 2000 (arising out of Civil P.C. No. 11820 of 1999). D/ - 13-3-2000.

The appeal is allowed. There shall be no order as to costs. However, the hearing of the suit may be expedited.

Appeal allowed

**ME COURT** — AIR 2000 SUPREME COURT 3513(1) TANAIK AND ANOTHER v. V. N. KHARE AND ANOTHER, J.J. Verjee, JJ. No. 105 of 2000. — Constitution of India, Art. 14, R. 1 — Appointment of a Receiver — Partition of property — Order to appoint Receiver — Order to suit property passed by High Court without considering questions whether it is just and convenient; though Central Government held that there is prima facie case in favour of the plaintiff and whether it is an urgent case. Respondent — Urgent measure — Not justified.

(Para 3)

JUDGMENT :— Leave granted.

1. The appellant herein was defendant in a suit filed by the plaintiff-respondent for partition of the property. In the said suit, the plaintiff-respondent made an application for appointment of a Receiver in respect of the property in dispute. The trial Court granted the said application. Aggrieved, the plaintiff-respondent preferred an appeal to the High Court. The High Court allowed the appeal appointed a Receiver in respect of the property in dispute. It is against the said order the defendant is in appeal before us.

2. We have heard learned counsel and perused the judgment. We find that the defendant is in physical possession of the property in dispute. The Receiver can only be appointed when it is just and convenient and when there is a prima facie case in favour of the plaintiff-respondent and the case for taking of urgent measure like appointment of a Receiver. The High Court has not gone into these questions while appointing receiver for the property in dispute. We, therefore, find that the appointment of the receiver was not legally justified. We, accordingly, set aside the order of the High

AIR 2000 SUPREME COURT 3513 (2) B. N. KIRPAL AND S. RAJENDRA BABU, JJ. Civil Appeal No. 697 of 2000. D/ - 31-3-2000.

Vijay L. Mehrotra, Appellant v. State of U.P. and others. Respondents.

Constitution of India, Art. 16 — Retirement benefits — Payments to be made on date of retirement or soon thereafter — Payments not made for months together without any justification — Simple interest at rate of 18% saddled on authority.

(Paras 3 and 4)

JUDGMENT :— Special leave granted limited to the question of granting of interest.

2. The appellant retired from service on 31st August, 1997. From the response filed by the respondent, it is clear that most of the payments of the retirement benefits to her were made long after she retired on 31st August, 1997. The details of the payments so made are as under :

(See Table below)

3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retirement benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.

4. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 per cent with effect from the date of her retirement, i.e., 31st August, 1997 till the date of payments.

5. The appeal is allowed to the above extent.

Order accordingly.

GR/GR/S300109/2000/VVC/DPV

GR/S300131/2000/BNG/RTT

| No. | Particulars         | Amount paid     | Date       |
|-----|---------------------|-----------------|------------|
| 1)  | G.P.F. 90%          | Rs. 1,80,899.00 | 27-11-1997 |
| 2)  | G.P.F. 10%          | Rs. 20,751.00   | 25-04-1998 |
| 3)  | G.I.S.              | Rs. 13,379.00   | 27-02-1998 |
| 4)  | Encashment of leave | Rs. 41,358.00   | 27-09-1998 |
| 5)  | Arrears of pay      | Rs. 15,495.00   | 27-09-1998 |
| 6)  | Gratuity            | Rs. 1,09,753.00 | 05-12-1998 |
| 7)  | Commututed pension  | Rs. 20,484.00   | 05-12-1998 |
| 8)  | Detained amount     | Rs. 45,000.00   | 05-11-1999 |

Attest  
Advocate

00/VVC/DPV

✓ Appendix-B,

A. I. R.

and he gave his home State where available these seats were a 30 point roster, allocated to the his allocation by Chandigarh Bench Tribunal. The ion and directed insider the trans- laryana cadre to er set out in the the order of the

dre Rules it is

various cadres cers to the vary the Central the State Gov- is concerned.

it may, with the tents concerned cadre to another

is Court in the lav, IAS (1994) . It has held that be considered he has no such his choice or to is an incidence India Service t of India. Re- to right to be

nveyed by the Personnel and of all States by is decided that in order to have the "outsider" ota was raised veen outsiders place of

is decision by llocating can- S. on the basis

1997

S. R. Bhanrale v. Union of India

S. C. 27

of Civil Service Examination, that *at least* 66.2/3% of the officers are from outside the State concerned."

(Underlining ours)

6. In the light of this policy a continuous 30 point roster was provided starting from the examination held in 1983. The roster follows the cycle, "outsider, insider, outsider, outsider, insider, outsider .....". In any given year the roster starts with the point where the roster ended in the previous year. In the case of the State cadre for the State of Nagaland there were two vacancies for allocation to the batch which had passed the examination in the year 1985. As per the 30 point roster, both these vacancies were for outsiders. Hence the first respondent, who belonged to the State of Nagaland, being an "insider", was not eligible for either of the two vacancies. He was, therefore, allotted to the State of Haryana.

7. The first respondent has contended that in the batch passing the examination in 1984, when the vacancy was for an insider, no insider was available and the vacancy had been occupied by an outsider. Hence he should be considered for one of the roster points available for the batch of 1985. We have, however, not been shown any rule which provides for a carry-over of "insider" vacancies if they are not filled due to non-availability of insider candidates. In the absence of any such rule for carry-forward of insider vacancies, we do not see how the first respondent can be accommodated in the vacancies which are earmarked for outsiders as per the relevant roster points.

8. In the policy statement of 30th July, 1984, a reference was made to the fact that State service officers who get promoted to I.A.S./I.P.S. are in the age group of 40 to 50 and at that late stage, their transfer to another State cadre may give rise to personnel and administrative problems of adjustment. Therefore, in order to restore the outsider-insider balance in a State cadre, it was proposed that the outsider element in the direct recruitment quota required to be increased. In this context it is difficult to accept the contention of the first respondent regarding carry-forward of "insider" vacancies. The roster is framed bearing in mind this requirement of increasing outsiders in the quota of Direct Recruits. The policy requires that *at least* 66.2/3% of the officers who are

directly recruited are from outside the State concerned. It does not impose a ceiling of 66.2/3%. The Tribunal was, therefore, not right in disturbing the implementation of this policy as per the roster.

9. The appeal is, therefore, allowed with costs. The order of the Tribunal is set aside and the application of the first respondent is dismissed.

10. In view of the above decision, Civil Appeal No. 12325/96 (@SLP (C) No. 21429/93) is also allowed with costs since the facts are similar to the facts in the above Civil Appeal. Appeals allowed.

#### AIR 1997 SUPREME COURT 27

(From : C.A.T. New Delhi)\*

Dr. A. S. ANAND AND  
K. T. THOMAS, JJ.

\* Civil Appeal No. 9489 of 1996 (arising out of SLP (C) No. 20181 of 1993), D/ 19-7-1996.

S. R. Bhanrale, Appellant v. Union of India and others, Respondents.

Constitution of India, Art. 311 — Retirement — Pensionary benefits — Claim for payments towards encashment of leaves, certain increment arrears etc. — Bar of limitation — Can not be pleaded by Govt. of India when deptt. itself had defaulted in making payments promptly inspite of demands consistently made by employee — Deptt. directed to pay 2 lacs towards interest and compensation and litigation expenses in addition to claim amount. Civil, P.C. (5 of 1908), S. 35.

(Para 5)

Ranjit Kumar, Advocate, for Appellant; V. C. Mahajan, Sr. Advocate, S.M.A. Quadri and C.V.S. Rao, Advocates with him, for Respondents.

JUDGMENT :— Leave granted.

2. This is rather an unfortunate case. The appellant joined his service as an Engineering Supervisor in the year 1946. He served the department in various capacities and superannuated on 31st July, 1984 when he was serving as an Officiating Assistant Director General (I.T.P.)

\*From judgment and order of Central Administrative Tribunal, New Delhi, in O.A. No. 1302 of 1987, D/ 4-3-1993.

HIN/KN/S860/96/MPP/CSL

Attest  
For Advocate

Department of Telecommunications Government of India, New Delhi. An order for payment of pension was issued on 24-8-1984 and the pension amount was paid to him on 11-9-1984. The Union of India which was under a statutory obligation to settle and decide his retiral benefits and other claims by 31st July, 1984 failed to discharge those statutory obligations and his claims remained unsettled. The appellant had to undergo tremendous hardship as his claim for encashment of earned leave increment arrears, special pay due, LTC etc. remained unsettled and his numerous representations to the department also evoked no response. The appellant thereafter served a notice under S. 80, CPC claiming his dues together with interest and compensation. Even that did not make the respondents move. Ultimately, the appellant filed an original application in the Central Administrative Tribunal, Principal Bench New Delhi in 1987. The Tribunal issued notice to the respondents and granted numerous opportunities to the Union of India to file the counter and meet the claims as set up by the appellant. No counter was however, filed and the claim remained unrebuted. However, the Central Administrative Tribunal through the order impugned in this appeal rejected the application of the appellant and awarded a lump sum amount of "Rs. 200/-" by way of interest on delayed payment of death-cum-retirement gratuity and G.P.F. ("as full compensation"). The D.C.R.G. was paid to the appellant on 10-12-1984 and G.P.F. on 1-2-1985. The appellant approached this Court.

3. On notice being issued in the Special Leave Petition, the respondents filed their counter along with some documents in this court denying the claim and pleading that his claim for encashment of earned leave, increment arrears etc. was barred by time. By an order dated 10th April, 1995 we directed the General Manager, respondent No. 3, to look into the grievances of the appellant as projected in the affidavits filed by him before the Central Administrative Tribunal as well as in this Court and submit a detailed affidavit about the merits of those grievances. Various proceedings took place thereafter but we do not find it necessary to advert to those proceedings. Suffice it to say that after initially denying all the claims of the appellant, the Department of Telecommunications on 21st April, 1986 conceded through a

statement filed in this Court under the signatures of Shri O. P. Arya, Director (TS), which was also supported by an affidavit of Shri Arya, that certain claims made by the appellant towards leave encashment, efficiency bar arrears and pro forma promotion arrears were due to the appellant and after calculating the same, were paid to the appellant by means of different cheques in this Court. A total amount of Rs. 19,551/- has been paid to the appellant during the pendency of the proceedings in this Court towards the claims made by the appellant for leave encashment (Rs. 9059/-) increment arrears as crossing efficiency bar (Rs. 4499/-), pro forma promotion arrears (Rs. 5993). Other claims were not admitted.

4. The amounts now paid to the appellant admittedly fell due to him much before his retirement. The same was wrongfully withheld. It was, to say the least, improper on the part of the Union of India to plead the bar of limitation against such claims of its employees. When it had defaulted in making the payments promptly when the same fell due. It is not as if the appellant had woken up after a decade to claim his dues. He had been asking the department to pay him his dues both while in service and after superannuation also but to no avail. In these circumstances it ill behoved the Union of India to plead bar of limitation against the dues of the appellant. We need say no more about it because better sense has prevailed and claim of the appellant has now been settled and payment made to him. The appellant who had served the department for almost 40 years before his superannuation was made to run from pillar to post to get his legitimate dues. It is a sad commentary of affairs. He has undoubtedly suffered a lot. Had the amount which has now been found due and paid, been paid to him at the appropriate time at least in 1984 when he retired, the appellant would have been saved from lot of unnecessary harassment besides he would have earned interest on that amount also. He could have utilised that amount for other purposes. He was denied the same on account of the default of the department. The appellant in his reply to the statement of account filed by Shri Arya in this Court has claimed almost 18 lakhs of rupees from the department out of which more than Rs. 16 lakhs have been claimed towards interest and compensation etc.

5. After hearing learned counsel for the parties

and discussing the view to settle the dispute between the parties in the pendency of this case, we direct the respondent/Union to pay to the appellant a sum of Rs. twenty five thousand/- as interest, compensation for the amounts due to the appellant for more than a decade which would be in addition to the amounts already paid to the appellant and shall be paid to him on the date of settlement of all his claims from today. In case the settlement is not made within two months, it shall be paid to him annually from the date of settlement until the same is made. Keeping in view the fact which the appellant has suffered, we direct that the Union of India shall make payment in accordance with the order of the Tribunal and dispose of the appeal.

AIR 1997

(From

K. R.

G. I.

Civil Appeal  
SLP(C) No. 23

State of Punjab  
Singh, Respondent

Constitution

Punjab Public

Termination  
charged employee  
out sanction

Termination t

valid

R.S.A. No.

& Har), Reven

Manoj Swar

K. Satija, Adv

JUDGMENT

heard the com

2. This app

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A. J. R.  
1997

**State of Punjab v. Jit Singh**

S. C. 29

and discussing the matter with them and with a view to settle the equities and do justice between the parties in the peculiar facts and circumstances of this case, we consider it appropriate to direct the respondent/Union of India to pay to the appellant a sum of Rs. two lacs (Rs. 2,00,000/-) towards interest, compensation, litigation expenses etc. for the amounts wrongfully withheld from the appellant for more than 12 years. This amount would be in addition to the claim amount already paid to the appellant amounting to Rs. 19,551/- and shall be paid to the appellant in full and final settlement of all his claims within two months from today. In case the amount is not paid within two months, it shall bear interest @ 12% per annum from the date of this order till the payment is made. Keeping in view the agony through which the appellant has gone through we hope that the Union of India shall not cause delay in making payment to the appellant. We set aside the order of the Tribunal dated 4th March, 1993 and dispose of the appeal in the above terms.

Order accordingly:

**AIR 1997 SUPREME COURT 29**

(From : Punjab and Haryana)

**K. RAMASWAMY AND**

**G. B. PATTANAIK, JJ.**

Civil Appeal No. 9883 of 1996 (arising out of SLP (C) No. 23366 of 1994), D/- 22-7-1996.

• State of Punjab and others, Appellants v. Jit Singh, Respondent.

Constitution of India, Arts. 311, 309 — Punjab Public Works Deptt. Code Rr. 1, 129 — Termination of services — Validity — Work charged employee — Overstaying leave, without sanction — Notice of 10 days given — Termination thereafter without enquiry — Is valid.

R.S.A. No. 114 of 1993, D/- 9-3-1994 (Punjab & Har); Reversed.

(Paras 4, 5)

Manoj Swarup, Advocate, for Appellants; B. K. Satija, Advocate, for Respondent.

**JUDGMENT** :— Leave granted. We have heard the counsel on both sides.

2. This appeal by special leave arises from the HN/KN/S870/96/MPP/CSL

order of the High Court of Punjab & Haryana made on March 9, 1994 in R.S.A. No. 114/93. The respondent, a work charged employee, had gone on leave from April 10, 1986. His service was terminated due to his overstay without due sanction of leave. A letter dated September 3, 1986 was communicated to him wherein it was stated that 10 days' time from August 25, 1986 was given to him to report for duty failing which his services "may be considered to have been terminated from the date of his absence and he may be informed accordingly through a registered letter". In furtherance thereof, the letter of termination was addressed to the respondent. He filed the suit questioning the said letter.

3. Two contentions have been raised by the respondent, viz., that he was a civil servant and that he was entitled to an enquiry before termination of his service and since it was not done, the order was invalid. He also stated that he had gone on leave with permission of the authorities and that, therefore, it cannot be said that he absented without authority of absence. We find that both the contentions are untenable.

4. The Punjab Public Works Department Code would indicate that the Code would apply to the Work-charged Establishment of the Public Works Department, Roads and Building Department. The respondent was working in Irrigation Department. Rule 1.132 indicates that a work-charged employee is not entitled to any pension, leave, travelling allowance etc. He is liable to be terminated under the Code by giving 10 days' notice as required in clause (7) of Rule 1.129 of the Code. Under these circumstances, it is clear that the respondent is not a Government servant. Unless his services are regularised in accordance with law, his services remain to be of a work-charged employee. He was terminated in accordance with the above procedure prescribed thereunder.

5. It would be seen that from May 1986 to August 19, 1986 the respondent remained absent from duty without any proper sanction of the competent authority or grant of leave. The courts have proceeded on the premise that he was absent on leave for a short period of 10 days. In fact, it is not so. The circumstances indicate that the courts below have not applied their minds in correct perspective, to the legal and factual aspects.

6. The appeal is accordingly allowed. The suit

86

NOTICE

From:

S. Nath  
Advocate

To: Miss V. Das.  
Adv. C.G.S.C.

Sub: Rejoinder in O.A. No. 51/2006

Madam,

find please enclosed herewith a copy  
of the rejoinder, which is being filed on  
today. This is for your information and  
necessary action.

Please acknowledge receipt.

~~Received~~

(V. Das)

Adv. C.G.S.C.

~~Yours~~ sincerely

S. Nath  
Advocate  
21/8/06

I undertake to serve  
2. Copy to Miss V. Das.  
Adv. C.G.S.C.

S. Nath  
Advocate  
21/8/06

केन्द्रीय न्यायपीठ  
Central Administrative Tribunal

24 SEP 2006

Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO. 51/2006

SHRI D.D.BURMAN

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS.

.....RESPONDENTS

IN THE MATTER OF

Reply to the rejoinder filed by the applicant

- 1) That the respondents have received a copy of the rejoinder and understood the contentions made thereof. Save and except, the statements, which are specifically admitted herein below rests, may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 1 of the rejoinder the respondents beg to state that so far as PAO (IRLA) is concerned it is reiterated that PAO (IRLA) is a pension-authorizing agency and acts upon the receipt of the necessary document/sanction from the department. In this case PAO (IRLA) correctly mentioned the date of entry in the P.P.O. w.e.f. 20.09.1966. However, PAO (IRLA) could not find the service book of the relevant period and ask the department for sending the service book of the certificate as required under the CCS Pension Rule 59 for counting of the period for pensionary benefits. PAO (IRLA) was regularly in touch with the department for providing all the necessary documents so that his pension may be recalculated accordingly. However, to avoid any hardship to the pensioner, PAO (IRLA) released the pensionary benefits after deducting the period for which service record was not provided by the department. Later on the department provided the necessary certificate only vide their letter dated 20.3.2006 and PAO (IRLA) immediately authorized the

Dept not furnished

Filed by  
the  
Plaintiffs  
through  
their  
Advocate  
Addl. Adv.

24/1/2006

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a

revised pension on the basis of qualifying service for the entire period of service of the applicant and released his pensionary benefits on 29.3.2006. As such PAO (IRLA) took quick action and there was no delay on the part of PAO(IRLA) for releasing the pensionary benefits to the applicant.

3) That with regard to the statement made in paragraph 2 of the rejoinder, the respondents beg to submit that such certificate issued by the department was not endorsed to PAO (IRLA). Moreover as per provision of rule if service record is not available, the required certificate is to be issued by the department as per provision of rule 59 of CCS Pension Rule. The said certificate was received in PAO(IRLA) from the department i.e. DAVP ob 20.3.2006 and pensionary benefits were immediately revised. As such no delay occurred on the part of PAO (IRLA).

It is wrong on the part of the applicant to say that PAO (IRLA) did not reply legal notices to the applicant. The advocate of the applicant has acknowledged vide letter-dated 1.10.2005. The letter dated 1.10.2005 from the advocate of the applicant was replied by PAO(IRLA) on 6.2.2006. As such so far PAO(IRLA) is concerned, the matter was taken up with the department and the action taken up by the PAO (IRLA) was also informed to the applicant from time to time.

A copy of the acknowledgment is annexed herewith and marked as Annexure- R 1.

4) That with regard to the statement made in paragraph 3 of the rejoinder, the respondents beg to submit that the respondent shave taken the action and paid the required arrear correctly and timely. The delay caused, in paying the pensionary benefits is not voluntary hence the claim of the applicant for paying the interest seems not be correct. The judgments of the Hon'ble Supreme Court relied on by the applicant have got no relevancy in the present case.

5) That in view of the above facts and circumstances of the case and the statements made in the written statement the respondents pray before that the Hon'ble Tribunal may be pleased to close the Original Application as because the applicant has already received all pensionary benefits.

- 3 -

## VERIFICATION

I SHRI DINESH CHANDRA DAS....., aged  
about 53.... years at present working as  
STATION DIRECTOR.....  
....., who is one of the respondents and taking steps in this case, being  
duly authorized and competent to sign this verification for all respondetns,  
do hereby solemnly affirm and state that the statement made in paragraph

1, 4, 5 are true  
to my knowledge and belief, those made in paragraph  
2, 3 being matter of records, are  
true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 20th day of October 2006 at Guwahati -

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DEPONENT

*D. C. DAS*  
20/10/06  
Station Director  
All India Radio, Guwahati

भारत सरकार  
भूगतान एवं लेखा कार्यालय (इरला)  
सूचना और प्रसारण मंत्रालय  
एसी.आर. संघन, नई दिल्ली-110 002

GOVERNMENT OF INDIA  
PAY & ACCOUNTS OFFICE (IRLA)  
MINISTRY OF INFORMATION & BROADCASTING  
A.G.C.R. BUILDING, NEW DELHI - 110 002

Telephone 011-23702281  
Fax 011-23702281  
R/20  
Anna m-R  
R/20  
R/20

पत्र संख्या/Ref. No. PAO/IRLA/I&B/ Date 25/3-2595

6-2-86  
Dated ..... 200.....

To

The DC AIR Akashwani  
New Delhi. Bhawan

Subject:- Compting of fast service.  
Sir,

In continuation of this office letter No. 1606-1610  
dt 16-08-2005, I am again to request that affidavits  
for Compting of fast service rendered by Sh. D. Dev  
Berman (IRLA - 10200) Ex-Correspondent in Govt. of  
Tripura (Printers & Stationery Deptt.) from 20-09-1966  
to 23-03-1973 may please be sent to this office.  
Shri D. Dev Berman has served notice through  
his lawyer Mr. O.P. Desai.

Yours faithfully

Dr. Accounts Officer

Copy to the Sir. DAVP m/o. I&B, P.11  
Dr PAO/I&B, New Delhi for issue of service certificate in No  
Sh. Berman for the period 26-3-1973 to 26-11-1982.

Copy to Sh. J. Dev Berman, North of Water  
Supply office, Shafeswar P.O. - Agartala's College, Tripura -  
799004 for information

PPM

1  
Sr. Accounts Officer.

Notice

27

Date -

From,

Usha Das.

Addl. Cuse

CAT, hNY

To,

Mr. M. Chomda

Mr. S. Nath

Advocates

Sub: Reply to the rejoinder filed in

OA no. 51/06

Sir/  
Please find herewith a copy  
of reply being filed today. Kindly  
acknowledge the receipt thereof.

Thanking You.

Received copy

For  
Advocate  
24/10

Advocate

Sincerely Yours

Usha Das.

Addl. Cuse