

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 186 of 2005

Indore, this the 18th day of *August*, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Charan Lal Patel, son of Shri Jeevan
Lal Patel, aged about 60 years, Retired
Mechanist (Skilled), Ticket No. 265,
Vehicle Factory, Jabalpur, R/o. Village
Pindrai, Tehsil and Distt. Jabalpur. Applicant

(By Advocate – Shri S.D. Gupta)

V e r s u s

1. Union of India, through
Secretary, Ministry of Defence,
New Delhi.
2. General Manager,
Vehicle Factory,
Jabalpur (MP). Respondents

(By Advocate – Shri S.A. Dharmadhikari)

O R D E R

By filing this Original Application the applicant has claimed the following main reliefs :

“(i) the respondents be directed to pay the retrial dues of the petitioner i.e. leave encashment amount of 121 days, amount of insurance about Rs. 18,000/- gratuity amount Rs. 3126/- the balance amount of bonus of Dipawali for the year 2002 which was reduced by the respondents as well as other retrial dues with interest,

(ii) the respondents be also directed to fix the pension of the petitioner with retrospective effect and after fixing the same, the balance amount of pension be also paid to the petitioner with interest.”



2. The brief facts of the case are that the applicant was employed in the respondents department and he retired from service on 28th February, 2003 by the respondents without following the proper procedure of retirement. There is a dispute regarding his correct date of birth and the same has not been considered by the respondents. Without making correction in the date of birth of the applicant he was retired from service earlier and for this a separate application is pending before this Tribunal. After his retirement about 2 years has passed but the respondents have not paid his retrial dues except only his GPF. The respondents have not paid the leave encashment amount of 120 days, amount of insurance of about Rs. 18,000/-, gratuity amounting to Rs. 3126/-, balance amount of bonus of Dipawali for the year 2002 which was reduced by the respondents and other retrial dues. The respondents have not fixed any pension of the applicant. The applicant is a poor man and there is no other source of income of his livelihood. The family of the applicant is suffering irreparable injury due to non-payment of retrial dues. The action of the respondents in not paying the retrial dues to the applicant is illegal and arbitrary. Hence, this Original Application is filed.

3. Heard the learned counsel for both the parties and carefully perused the pleadings and records.

4. The learned counsel for the respondents argued that admittedly the applicant has filed another OA No. 185/2005 challenging his correct date of birth and the date of his retirement. The learned counsel for the respondents further argued that they shall consider and take a decision of the grievances of the applicant raised in the present OA immediately after a decision is taken by the Tribunal in the said OA No. 185/2005 as first of all the date of his retirement is to be decided and then only the retrial dues can be calculated and paid to the applicant. The amount of pension is also to be decided after the decision is taken in OA No. 185/2005.

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5. On the other hand the learned counsel for the applicant argued that the respondents should have paid the amount of leave encashment of 121 days, insurance, gratuity, balance amount of bonus as well as other retrial dues even before the decision i.e. to be taken by the Tribunal in the said OA No. 185/2005.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records I find that the argument of the learned counsel for the respondents that the respondents shall consider and decide the claims raised by the applicant in the present Original Application after the decision is taken by the Tribunal in OA No. 185/2005, seems to be legally correct as the matter of the applicant's date of birth and date of retirement is question before the Tribunal in that OA No. 185/2005. Hence, I feel that at this stage the respondents can only be directed to consider and decide the claim of the applicant in the present Original Application within a period of three months from the date of decision so taken by the Tribunal in OA No. 185/2005. Ordered accordingly.

7. In view of the aforesaid the Original Application stands disposed of with no order as to costs.

(Madan Mohan)
Judicial Member

"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प तिलिपि अचो डित:-

- (1) सक्ति, उच्च न्यायालय नगर एसेरिगेशन, जबलपुर
- (2) आवेदन की/प्रीति/पु.....के काउंसल
- (3) प्रत्ययी की/डी. गरी/पु.....के काउंसल
- (4) वांयपाल, कं.प.उ., जबलपुर न्यायपीठ

सकला एवं आवश्यक कार्यवाही हेतु
उप सजिस्टार

S.D. Gupta 22/03/05
S.D. Pharnashikar 22/03/05

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29/8/05

22/8/05