

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH

Original
Application Nos.

622/04,
678/04,
680/04
and 852/04

Jabalpur, this the 6th day of ~~April~~^{May}, 2005

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

OA No.622/04

Gyan Prakash
S/o Laate B.L.Khare
R/o Plot No.68, Ashok Nagar
Adhartal, Jabalpur (M.P.)

Applicant.

(By applicant in person - Not present)

Versus

1. Union of India represented by
Secretary, Ministry of Defence
New Delhi.
2. Shri K.M.Ganguly
General Manager
Ordnance Factory, Medak
Yeddumailaram (A.P.)
3. Director General of Ordnance Factories
10-A, S.K.Bose Road
Kolkata.
4. The General Manager
Ordnance Factory Project, Medak
Yeddumailaram (A.P.)

Respondents.

(By advocate Shri S.P.Singh)

OA No.678/04

Gyan Prakash
S/o Laate B.L.Khare



R/o Plot No.68, Ashok Nagar
Adhartal, Jabalpur (M.P.)

Applicant.

(By applicant in person - Not present)

Versus

1. The General Manager
Ordnance Factory Project, Medak
Yeddumailaram (A.P.)
2. Director General of Ordnance Factories
10-A, S.K.Bose Road
Kolkata.
3. Secretary
Ministry of Defence
South Block, New Delhi.
4. Secretary
Ministry of Finance
New Delhi.
5. Director General (Employment & Training)
Ministry of Labour
New Delhi.
6. Shri B.L.Sharma
General Manager
Ordnance Factory, Medak.
7. Shri V.S.Haste
Additional General Manager
Ordnance Factory, Medak
Yeddumailaram (A.P.)
8. Shri T.Ramakrishna
Additional Manager /HRD
Ordnance Factory, Medak.
9. Shri R.N.Ray
Joint General Manager/HRD
Ordnance Factory Medak
Yeddumailaram (A.P.)
10. National Commission for Women
New Delhi.

Respondents.

(By Advocate Shri P.Shankaran)



OA No.680/04

Gyan Prakash
S/o Laate B.L.Khare
R/o Plot No.68, Ashok Nagar
Adhartal, Jabalpur (M.P.)

Applicant.

(By applicant in person - Not present)

Versus

1. The Director General of Ordnance Factories
10-A, S.K. Bose Road
Kolkata.

Respondent

(By advocate Shri P. Shankaran)

OA No.852/04

Gyan Prakash
S/o Late B.L.Khare
R/o Plot No.68, Ashok Nagar
Adhartal, Jabalpur (M.P.)

Applicant.

(By applicant in person - Not present)

Versus

1. Union of India represented by
The Secretary
Ministry of Defence
South Block, New Delhi.
2. Director General of Ordnance Factories
10-A, S.K. Bose Road
Kolkata.
3. The General Manager
Ordnance Factory Project, Medak
Yeddumailaram (A.P.)

Respondents.

(By advocate Shri S.P. Singh)



ORDER

By Madan Mohan, Judicial Member

All four OAs are filed by one applicant – Gyan Prakash – claiming retiral benefit, allotment of quarter to female employees, payment of GPF and payment of project allowance respectively. For the sake of convenience, all these OAs are being disposed of by this common order.


2. The brief facts of the cases are as follows:

OA No.622/04

The applicant while working under respondent No.4 was issued with a major penalty charge sheet and was imposed the punishment of reduction of pay by three stages. Subsequently, he was issued with another major penalty charge sheet for gross misconduct and punishment of compulsory retirement from service was imposed on him with effect from 27.11.2001. Thereafter, the applicant made several representations for his retiral benefits. However, the respondents have not yet paid the retiral benefits to the applicant. Hence, this OA is filed.

OA No.678/04

In this application, the applicant alleges sexual harassment of female apprentices in the workplace by senior officers. The applicant is challenging the order passed by the General Manager, Ordnance Factory, Yeddumailaram, in the note sheet, in regard to arranging accommodation for the female trade apprentices.



OA No.680/04

The applicant, who was a GPF subscriber since 1966, on being transferred from Small Arms Factory, Kanpur, reported for duty at Ordnance Factory, Medak on 22.7.1996 in the grade of Assistant Foreman. The applicant's last pay certificate showed a deduction @ Rs.3000/- per month towards GPF subscription (Annexure A2). It is alleged that in the GPF statement for the period 1996-97 issued by the General Manager/OFFM (Annexure A3), there were two discrepancies. These were : the opening balance was shown as zero and subscription from 4/96 to 7/96 was indicated as nil. The applicant was again transferred to Kolkata and because of this transfer, the applicant could not get his GPF statement for the year 1997-98. It is alleged that in the annual statement for the year 1998-99 (Annexure A1), the amount deposited in applicant's GPF account from 1966 to 1996 was not reflected. Hence this OA is filed.

OA No.852/04


The applicant claims that he is entitled for Rs.750/- per month as Project Allowance and Rs.200 per month as Tribal Area Allowance on account of his work at Tribal Area Project under the Ordnance Factory, Yeddumailaram, Andhra Pradesh, during his service there. The applicant made several representations in this regard, but to no avail. Hence this OA is filed.

3. Applicant is not present. Hence the provision of Rule 15 of the CAT (Procedure) Rules, 1987 is invoked.

4. The respondents have filed reply statements in all the OAs. Heard the learned counsel for respondents. He argued that the applicant has not mentioned the relevant date of any order nor has he filed copy of any such order which the applicant has relied upon. This



is mandatory as per Section 19 (3) of the CAT Act, 1985. The applicant has always tried to accuse the authorities by making false allegations and damage their reputation. The learned counsel argued that after the compulsory retirement of the applicant, the respondents had taken prompt action for preparation of the applicant's pension papers and the applicant was intimated by numerous registered letters to fill up the various documents for claiming the terminal benefits including pension/gratuity etc. but the applicant did not respond to such registered letters. Till the filing of the OA, the applicant had not submitted the necessary documents filled in by him. The applicant sent the papers through the OA only, which were received in the office of the respondents along with the notice of the OA on 24.8.2004. The applicant had submitted the nomination for DCRG and commutation of pension without witness signatures. In place of his photograph, he affixed his wife's photograph. The applicant's GPF form has not been received. Even now the applicant has not submitted his pension papers in spite of various registered letters and reminders sent to him. The respondents were finally compelled to publish notice in local daily newspapers calling for pension papers from the applicant. The learned counsel for the respondents further argued that on receipt of pension papers through the OA filed by the applicant, the respondents have taken prompt action and the PPO (Pension Payable Order) has been cleared by Principal Controller of Defence Accounts (Pensions), Allahabad. The PPO has been sent to applicant's bank at Jabalpur. The applicant's leave encashment bill has already been forwarded to Principal Controller of Accounts (Factories), Kolkata for passing at the earliest. The application form for claiming medical reimbursement through CGHS has been forwarded to the applicant for filling up and re-submitting the same to OFD, Medak in order to issue a certificate to the applicant to avail CGHS facilities. The grievance of the applicant in regard to his retiral benefit is settled. The applicant is not entitled to any interest, as he himself is responsible for causing delay in finalization of his pension case.



5. As regards the complaints of sexual harassment of female apprentices, the respondents have submitted that the factory had constituted a complaint committee under the Chairmanship of Joint General Manager to take care of the problems of female employees, particularly to deal with harassment of female employees in the work place. His petition in regard to sexual harassment is in the nature of a public interest litigation and this is not permissible under the CAT Rules. Through the OA No.678/04, the applicant is not seeking any relief in regard to his service matter.

6. Regarding payment of GPF, the respondents have submitted that the applicant reported for duty at Ordnance Factory, Medak on 22.7.96 from Small Arms Factory, Kanpur. The GPF subscriptions of the applicant as on 30.6.96 were credited to his account at Small Arms Factory, Kanpur. As per the procedure, the amount of GPF subscription recovered from the salary of an employee can be credited to his GPF account in the subsequent month, as the salary is paid on the last day of every month. Accordingly, GPF subscription recovered from the salary of the applicant, starting from the month of July 1996 was credited to his GPF account in subsequent months i.e starting from August, 1996. Hence the annual statement of GPF account of the applicant reflected the subscriptions recovered from the month of July 1996 and posted from the month of August, 1996. Subsequently the Small Arms Factory, Kanpur transferred the GPF asset of the applicant of Rs.81,526 to Medak vide letter dated 6.8.98 (Annexure R2). Hence the discrepancy alleged by the applicant that his opening balance was zero and subscription from 4/96 to 7/96 was nil is baseless. The GPF balance of Rs. 81,526/- transferred from Kanpur plus the subsequent subscriptions recovered at Ordnance Factory, Medak constituted a closing balance of Rs.2,04,051/- for 1998-99 instead of the earlier balance of Rs.1,12,742/-. An amount of Rs.3,10,099/- was received by Ordnance Factory, Medak from the office of the Principal Controller of Accounts, Kolkata against the



final settlement of applicant's GPF accumulation vide letter dated 7.1.200 (Annexure R7). This amount was paid to the applicant by Ordnance Factory, Medak on 24.1.2002 and receipt of the same has been acknowledged by the applicant on 24.1.02 (Annexure R8).

7. In reply to non-payment of project allowance, the respondents have submitted that none of the employees in the factory are getting project allowance and hence the applicant is not entitled for this allowance. Tribal allowance is not applicable to Ordnance Factory Project, Yeddumailaram, as this is not a Tribal place, as contended by the applicant.

8. We have considered the rival contentions. Before parting with this order, we have also perused the order passed by the High Court in W.P.No.4000 of 2002-Gyan Prakash Vs.General Manager, Vehicle Factory, Jabalpur and others. Para 7 of the judgment reads as follows:

"In view of the aforesaid, we can only say that this is an ambitious petition which has been filed to prejudice the scenario, which the petitioner imagines to exist. We have no hesitation in saying that the present public interest litigation is nothing but an abuse of the same. The petitioner would be well advised to abstain from doing this kind of things. One does not enter into the vendetta because he was once an employee of the organization and has been compulsorily retired. He should remember it is not an ordinary organization but controlled by the Defence. Not for nothing, it is said when people fight at the border, civilians sleep. It has also been said that at the time of peace, the young bury the old and at the time of war, the old bury the young. We can only say, let the tranquility of the Defence be not disturbed by disgruntled persons like the petitioner who describes himself and assert that he fights litigation as pro bono publico. Ordinarily, we would have dismissed the petition with exemplary cost but keeping in view the totality of situation and the personal agony that has been suffered by the petitioner, we refrain from doing so."

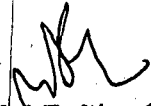
Accordingly the petition was dismissed by the High Court.



9. Considering all facts and circumstances of the case, the aforesaid 4 OAs filed by the applicant are dismissed being devoid of merit. No costs.



(Madan Mohan)
Judicial Membr



(M.P. Singh)
Vice Chairman

aa.