

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 592/2003

Jabalpur, this the 9th day of January, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman

Tej Mitter Bahl Son of Late P.L. Bahl,
aged about 77 years, Retd. Central
Government Servant, Resident of 2,
Adarsh Nagar, Borsi Road, Durg(C.G.)

APPLICANT

(By Advocate - Shri Saurabh Tiwari on behalf of
Shri P.K. Mishra)

VERSUS

1. Union of India,
Through the Joint Secretary, cum-Chief
Administrative Officer, Armed
Forces Headquarters, Ministry of
Defence, 22/C-11, Hutments Rafi
Marg, New Delhi-110 011.
2. Chief of the Air Staff,
Air Headquarters (Directorate of
Personnel-Civilian), Ministry of
Defence, Vayu Bhawan, New Delhi
110011.
3. Managing Director,
Bhilai Steel Plant, Bhilai
(C.G.).

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought a direction to the respondents to implement the order passed in OA No. 237/97 decided on 28.4.98 and to pay him the prorata pension.

2. The brief facts of the case stated by the applicant are that after retaining the lien, his services were transferred in Bhilai Steel Plant. The applicant, therefore, filed OA No. 237/97 before the Tribunal and the Tribunal vide order dated 28.4.98 directed to grant prorata pension to the applicant subject to fulfilment of the conditions laid down in the Government of India's order dated 3.1.95 and order dated 19.2.1998. The Union

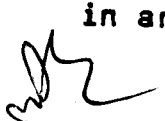
also filed a Writ Petition No. 2397/00 which was dismissed ^{on} 12.7.2000

Thereafter the respondents have not implemented the Tribunal's order. Subsequently, the applicant has filed MA No.443/03 to execute the order of the Tribunal passed on 28.4.98. The said MA was dismissed vide Tribunal's order dated 4.8.2003. However, the liberty was given to the applicant to file a fresh application. Accordingly, the present OA has been filed by the applicant, claiming the aforesaid relief.

3. The respondents have filed their reply stating that the Tribunal had directed vide its order dated 28.4.1998 that the applicant be granted pro-rata pension subject to fulfillment of the conditions laid down in Government of India's order dated 3.1.1995. OM dated 3.1.1995 ^{had} extended the benefits of pro-rata pension granted vide OM dated 16.6.1967 to Central Government Employees who were permanently absorbed in the Central PSUs prior to 16.6.1967 subject to certain conditions. As per OM dated 16.6.1967 pro-rata pension can be granted only to those employees who are permanent Govt. servants. The applicant in this OA is not a permanent Government servant but a quasi permanent employee. Hence the quasi permanent employee is not entitled to pro-rata pension in terms of the OM dated 3.1.1995.

4. Heard the learned counsel for the parties and perused the record.

5. The learned counsel for the applicant has drawn my attention to the order of this Tribunal dated 10.12.1999 in OA No.269/98 and he has submitted that his case is fully covered by the said OA. On the other hand, the learned counsel for the respondents states that as per OM dated 3.1.95 ~~by virtue of which~~ only a permanent Govt. servant is entitled for grant of pro-rata pension. Earlier the Tribunal in an order passed on 28.4.98, directed the respondents



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to grant pro-rate pension subject to fulfilment of the conditions laid down in the Government OM dated 3.1.95. Since he was not permanent Government employee, he was not entitled ^{to} pro-rate pension. The learned counsel for the applicant has drawn my attention to OM dated 3.1.95 and stated that this OM was issued in pursuance of the Supreme Court judgment.

6. I have carefully considered the submissions made by the learned counsel for the parties and also pleadings taken by them. I find that the case of the present applicant is fully covered by the judgment of the Tribunal and OA No. 744/95 decided on 7.2.98. dated 10.12.1999 in OA No. 269/98. In the circumstances, I find that the decisions of the Tribunal in the said OAs shall mutatis mutandis apply to instant case as well. The applicant is directed to complete the procedural formalities for grant of pro-rate pension within one month from the date of receipt of a copy of this order. In the event, the applicant does so, the respondents shall pass orders for grant of pro-rate pension to the applicant within two months thereof. It may be noted that the applicant will not get any interest on the amount to which he is entitled to as pro-rate pension.

7. With the directions made above, the OA is disposed of. Parties shall bear their own costs.

M.P. Singh
(M.P. Singh)
Vice Chairman

पूजांकन सं ओ/नं.

पति/पति

(1) सविन, ...

(2) आविन, ...

(3) प्रवर्तक, ...

(4) व्यवस्थापक, ...

सूचना एवं आदेश

DPK Mishra, Adv.

SH Dharmachikari, Adv.

SKM

Forsell
6/2/04