

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

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Original Application No. 562/2002

Bilaspur, this the 8th day of July, 2004

Hon'ble Shri M. P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

S.K.Saraswat s/o late S.P.Saraswat,
Aged about 68 years,
R/o N-286, E-7, Arera Colony,
Bhopal (Madhya Pradesh).

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Secretary,
Ministry of Home Affairs,
North Block, Secretariat,
New Delhi.
2. The Registrar of India,
Census Commissioner of India,
2-A, Kota House, Mansingh Road,
New Delhi.
3. State of Madhya Pradesh through
Secretary,
Govt. of M.P., Forest Deptt.,
Mantralaya, Vallabh Bhawan,
Bhopal.
4. The Director of Census Operations,
Janganana Bhawan, Jail Road,
Bhopal.

...Respondents

(By Advocate : Shri Anand Singh for Sh. B.da.Silva for
respondents no. 1,2 & 4.
Shri Om Namdeo, for the State Govt. of MP)

O R D E R

By Madan Mohan, Judicial Member -


By filing this O.A., the applicant has sought the
following main reliefs:

- i) to do the pay fixation of the applicant and to
get it vetted on the basis of the pay scale
last drawn i.e. Rs. 3000-4500 and accordingly
the pension may berevised and the arrears may
be paid to the applicant with interest @ 18%
p.a. till final payment to the applicant.
2. The brief facts of the case are that the applicant



was the employee of respondent no. 4 and his last posting in this parent department was of the Tabulation Officer. The applicant was selected on deputation to the State Govt. of M.P. in the department of Forest. The applicant was not initially paid his retiral dues but, as late as in 1994 October, his retiral dues were settled but his full pension ^{been} has not/paid till now by the respondents. The matter of fixation of pay was not finalised by the respondents despite several reminders to them. He was working in the State Govt. of Madhya Pradesh in the pay scale of Rs. 3000-4500. On the basis of last pay certificate on the post of Economist, his fixation of pay was to be vetted by the State Govt. enabling him to draw pension on the basis of the said fixation but the same has not been vetted and as a result of which the applicant is not being paid full pension in an arbitrary manner of the respondent no. 2 i.e. State Govt. of M.P. Since 2.6.2000 till now no vetting of fixation of pay was made by the Forest Dept. of Madhya Pradesh. Letters of request were sent in this regard but the State Govt. deliberately ignored the said request of the applicant and has failed to vet the salary of the applicant for the purposes of fixation of his full pension. It is obvious from the order dated 9.2.1993(A/4) that the fixation of pay was made notionally for the period from 12.10.1979 to 31.1.1987 only. But for the later period the pay fixation was not made finally with the result that the applicant is not receiving full pension. The respondent no. 4 has also written a letter on 11.11.1999 (A/5) to the Additional Principal Conservator of Forest, Govt. of M.P. but the pay was not fixed. The applicant also served a notice upon the respondents for vetting of the fixation of the pay through his counsel dated 19.11.1999 (A/6) but no response was received from the State Govt. of M.P. Hence, this O.A. has been filed by the applicant asking for the above reliefs.

3. None is present on behalf of the applicant. **Since it is an old case of 2002, we proceed to dispose of this OA by invoking**




the provisions of Rule 15 of CAT (Procedure) Rules, 1987. We also perused the pleadings and records of the case.

4. Heard the learned counsel for the respondents.


5. It is argued on behalf of respondent no. 3 i.e. State Govt. of M.P. that the applicant, who was a Member of Central Census Department, was on deputation with the State Govt. of M.P. between the period 12.10.1979 to 31.1.1987 and took voluntary retirement w.e.f. 31.1.1987. While on deputation the applicant was in a higher scale though substantially he was holding a post carrying the scale lower than the post on which he was on deputation. It is further argued that the Cadre Controlling Authority of the applicant is not the State of Madhya Pradesh but the Central Census Department where he was substantively appointed and it is the said department which is liable to fix the pension in favour of the applicant. It is further argued that vide letter dated 14.7.1999 the present department of the applicant sought further information from the State Govt. in respect of last 10 months pay drawn by the applicant. (R-IV). In response to the aforesaid letter the information was sent on 12.10.1999 (R-V). Therefore there is no lapse on the part of the State Govt. of M.P. in respect of the information sent to the parent department of the applicant relating to the period between which the applicant was on deputation with the State of M.P. Hence, the applicant is not entitled to any relief against the respondent no. 3.

6. It is argued on behalf of the respondents nos. 1, 2 & 4 that the applicant entered in the service of the respondents on 14.4.1961 as Tabulation Officer in the pre-revised scale of Rs. 550-900/-. Pursuant to order dated 10.10.1979, the applicant was sent on deputation to the Forest Department of the Govt. of Madhya Pradesh. From 12.10.1979 to 14.4.1983, the applicant worked as a Technical Officer and from 15.4.1983 to 31.1.1987, he held the post of Economist in the pre-revised scale of Rs. 1100-1600/- for the State of Madhya Pradesh. With effect from 1.1.1986, the scale of Rs. 1100-1600 was revised to that of 3000-4500/-. The applicant while on deputation elected for



voluntary retirement vide notice dated 28.10.1996 which was accepted by the respondent no. 4 vide order dated 1.5.1987 effective from 31.1.1987. As per last pay certificate issued in favour of the applicant, he was drawing pay in the pre-revised scale of Rs. 1100-1600/-. The applicant filed O.A. No. 235/94 in the Tribunal and the Tribunal vide its order dated 12.9.1994 was pleased to direct the respondents to settle the retiral dues of the applicant as an interim measure and the Tribunal vide its order dated 25.5.1995 was pleased to dispose of the O.A. after taking note of the fact that the retirement dues of the applicant was settled in the month of Oct., 1994 and in the interest due to the applicant was to be shared by the respondents. It was further directed that the State of Madhya Pradesh shall bear interest on arrears from 1.2.1988 to 31.8.1992 while the remaining period, the Central Govt. was to bear the liability. The case of the applicant was finalised in the year 1994 and the respondents have complied with the orders of the Hon'ble Tribunal by disbursing the interest that they were liable to pay. It is further argued that as the applicant was on deputation with the forest Department of State of M.P., the responsibility vests with the State of M.P. to revise the scale of the applicant so that his pension could accordingly be finalized. The pension of the applicant has been rightly fixed as per P.P.O. dated 25.10.1994. The respondents have also disbursed the interest in compliance of the directions of this Hon'ble Tribunal. Hence, the O.A. is liable to be dismissed.

7. After hearing the learned counsel for the respondents and careful consideration of the record, we find that the respondents nos. 1 to 4 have complied with the directions of the Tribunal passed in O.A. No.235/94 filed by the applicant and the amount of interest as directed by the Tribunal has also been disbursed to the applicant.



It is also seen that all the respondents have rightly did the pay fixation of the applicant in accordance with rules. Hence, no interference of this Tribunal is warranted in the present case. The O.A. is, therefore, liable to be dismissed which is accordingly dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

[NA]

पूठान्कन सं ओ/न्या.....जयलपुर, दि.....

पतिनिधि अवो निता:-

- (1) सविध, उच्च न्यायालय नगर एन/न्याय, जयलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल KS Wadhwa
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल B. dambha
- (4) संयमता, संवेदक, उच्च न्यायालय जयलपुर
सूचना एवं आवश्यक कार्यवाही हेतु
उप रजिस्ट्रार 19-7-04

Issued
on 19-7-04
BS