

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Applications Nos. 96 and 134 of 2001

Jabalpur, this the 12th day of March, 2004

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

(1) Original Application No. 96 of 2001

Dr. P.D. Gupta S/o Late Shri Nandulal
Gupta aged about 63 years Joint Director/
Scientist(SF) (Retired) R/o King Ashoka
Duplex, 2314, Wright Town, Jabalpur(M.P.)

APPLICANT

(By Advocate - Shri K.S. Wadhwa)

VERSUS

1. Union of India through
The Secretary, Ministry of Environment
& Forest, B Block CGO Complex, Lodhi
Road, New Delhi. 110 003
2. Union of India through the Secretary
Ministry of Personnel, Public Grievances
& Pension, Nirvachan Sadan, Ashoka Road,
New Delhi - 110 901
3. The Director,
Zoological Survey of India, 'M' Block
New Alipore, Calcutta - 700 053
Kolkata
4. The Pay & Accounts Officer(B2)
7th Floor, M.S. Buildings, Nizam
palace Complex, 234/4, Acharya J.C.
Bose Road, Calcutta - 700 020
Kolkata
5. The Officer-in-Charge,
Central Regional Station
Zoological Survey of India
424, New Adarsh Colony, Kamla
Nehru Nagar, Jabalpur(M.P.)
482 002.

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of
Shri S.C. Sharma)

(2) Original Application No. 134 of 2001

Dr. P.D. Gupta S/o Late Shri Nandulal
Gupta aged about 69 years Joint Director/
Scientist(SF) (Retired) R/o Kingh Ashoka
Duplex, 2314, Wright Town, Jabalp (M.P.)

APPLICANT

(By Advocate - Shri K.S. Wadhwa)

VERSUS

1. Union of India through The Secretary, Ministry of Environment & Forest, 'B' Block CGO Complex, Lodhi Road, New Delhi 110 003.
2. Union of India through the Secretary Ministry of Personnel, Public Grievances & Pension, Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.
3. The Director, Zoological Survey of India, 'M' Block, New Alipore, Calcutta - 700 053
4. The Pay & Accounts Officer(BZ) 7th Floor, M.S. Buildings, Nizam Palace Complex, 234/4, Acharya J.C. Bose Road., Calcutta - 700 020 Kolkatta
5. The Officer-in-charge, Central Regional Station Zoological Survey of India 424, New Adarsh Colony, Kamla Nehru Nagar, Jabalpur (M.P.) - 482 002.

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of
Shri S.C. Sharma)

O R D E R

By M.P. Singh, Vice Chairman -

The applicant has filed both these OAs against the order dated 21/22.2.2000. As the issue involved is common; and the facts and grounds raised are identical, both these OAs are being disposed of by this common order.

2. In OA 96 of 2001 the applicant has claimed the following main reliefs:-

(i) to direct the respondents to pay Rs. 1,90,059/- in addition to the pendiatalite interest after December, 1999 till final payment is made on different accounts as stated in Annexure-A-8.

(ii) to direct the respondents to submit before this Hon'ble Tribunal the re-casted GPF A/c No.CAL/DST/ZSI/404 of the applicant from the year 1993-74 till his retirement in July, 1989. Personal file of Dr.P.D.Gupta the applicant bearing No. 15-5.88-Genl and 15-7/89-Genl. from the office of the officer-in-Charge, Central Regional Station, Zoological Survey of India, Jabalpur.

: 3 :

(iii) This Hon'ble Tribunal be pleased to allow the claim of the applicant as submitted to the respondent on accordance with the direction of this Hon'ble Tribunal."

3. In O.A. No. 134/2001, the applicant has claimed the following main reliefs :-

(i) to direct the respondents to the claim as stated in Para 4.3 above with regard to T.A. Bills, Cost of reprints and benefit of added years of service as per Rule 30(1) of the C.C.S(Pension) Rules, 1972 alongwith interest till final payment.

(ii) The pension calculation sheets and service books of Dr.A. Singh (Joint Director) and Dr. Koshy Mathews. Register of free distribution of re-prints to various authors of research articles in Records of Zoological Survey of India pertaining to Vol. till and occassional papers of their services from No. 65 to No. 80.

Personal file of Dr.P.D. Gupta, the applicant bearing No.15-7-88-Genl and 15-7/89-Genl. from the office of the Officer-in-Charge, Central Regional Station, Zoological Survey of India, Jabalpur.

(iii) ... be pleased to allow the claim of the applicant as submitted to the respondent in accordance with the direction of this Hon'ble Tribunal.

4. Heard the learned counsel for the parties.

5. On a perusal of the impugned order dated 21/22.2.2000 we find that the same has been passed by the respondents in compliance to the directions given by this Tribunal in O.A. 303/1991 on 25.8.1999. We may reproduce the order passed by the Tribunal-

"3. Under the said circumstances and in view of the fact that this OA is pending since 1991 and future development have taken place resulting in total conclusion of real claim of the applicant in this O.A. We are of the view that this O.A. may be disposed of with the following directions:

(i) The applicant may raise his up-to-date claim before the respondents within a month from today.

(ii) On receipt of such claim, the respondents shall examine and settle the same in accordance with rules within a further period of 2 months thereafter."

From the above order, we find that the Tribunal has specifically directed the respondents to decide all the claims of the applicant and settle the same within a period of two months of the said order. From the order passed by the respondents on 21/22.02.2000 we find that has been passed a cryptic order of one line/to the effect that -

"the claims preferred.....have been carefully examined in this Department. On scrutiny it has been observed that the claims with which the respondents are concerned, are not tenable."

6. In this view of the matter, we direct the respondents to re-consider each and every claim of the applicant, as sought for in these OAs, as per rules and if any claim is not admissible, the respondents are directed to give full reasons and justifications for disallowing the claims of the applicant. The respondents are further directed to pass detailed and speaking orders with regard to each item of claims of the applicant supported by the rules. As the applicant had retired in the year 1989 on attaining the age of superannuation, and his retiral dues and other claims have been unduly delayed, the respondents are directed to decide all the claims of the applicant within a period of two months from the date of receipt of a copy of this order positively, failing which they shall be liable to pay interest at the rate of 15% from the date the claims were actually due to the date of actual payment and if need be this amount should be recovered from the officers responsible for delaying the settlement of the claims of the applicant. If considered necessary, the respondents may take the assistance of the applicant and give him personal hearing as and when required and the applicant is directed to co-operate the respondents in finalising his claims/dues. Both the OAs are accordingly disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)