

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.247 of 1998

Jabalpur, this the 28th day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

Chantaman Rangnath Kherdekar,  
aged about 82 years, S/o Shri R.T.  
Kherdekar, Retd. Officer Superin-  
tendent, Bhilai Steel Plant, R/o 15-B,  
(C), Pocket, Maroda Sector, Bhilai.

-APPLICANT

(By Advocate- Mr. Yogesh Dhande)

Versus

1. Union of India through its  
Secretary, Ministry of Personnel  
& Public Grievances & Pensions,  
Department of Pension & Pensioners  
Welfare, Nirwahan Bhawan, Patel  
Chowk, New Delhi.
2. Commandant & OIC, COD, Jabalpur,  
Central Ordnance Depot, Jabalpur.
3. Officer-in-Charge, AOC Record,  
Office, Ministry of Defence, Secunderabad.
4. Managing Director,  
Bhilai Steel Plant, Bhilai.

-RESPONDENTS

(By Advocate- Mr. P. Shankaran)

O R D E R (ORAL)

The applicant has sought a direction to the respon-  
dents that pro-rata pension and other benefits relating  
to the services rendered by him from 3.2.1944 to 3.8.1960  
in C.O.D., Ministry of Defence, Jabalpur may be allowed to  
him.

2. It is claimed by the applicant that he joined the  
Central Ordnance Depot, Jabalpur as Lower Division Clerk  
(LDC) on 3.2.1944. In due course, he was declared quasi  
permanent employee and was selected for deputation and  
foreign service terms to Bhilai Steel Plant w.e.f. 12.10.56.

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His lien in the parent department, i.e., Central Ordnance Depot, Jabalpur was terminated w.e.f. 3.8.1960 consequent to his permanent absorption in Bhilai Steel Plant. The learned counsel for the applicant states that in view of the Ministry of Finance's circular dated 10.11.1960 (Annexure A/1), Ministry of Finance, Department of Expenditure circular dated 16.6.1967 (Annexure A/2) and Ministry of Finance (Department of Expenditure) circular letter dated 8.4.1976 (Annexure A/3) the persons who were permanently absorbed in public sector undertakings were eligible for pro-rata pension and other benefits. The matter has finally been clarified by the Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners' Welfare) O.M. dated 3.1.1995 (Annexure A/15) to extend such benefits to all employees similarly placed as the applicant. The learned counsel for the applicant stated that the case of the applicant is almost similar to the case of Narayan Pandurang Sangwai Vs. Union of India & others, which was decided by this Tribunal by order dated 10.12.1999 in OA No.269/1998. This Tribunal directed that the decision in the case of Balakram Sharma Vs. Union of India & others in OA No.744 of 1995 decided on 19.2.1998 shall mutatis mutandis applied in that case also. Therefore, the applicant was directed to complete the procedural formalities for grant of pro-rata pension within one month from the date of receipt of this order. It was further directed in that case, in the event, the applicant does so, the respondents shall pass orders for grant of pro-rata pension to the applicant within two months thereof. This Tribunal had also clarified that no interest on the amount to which the applicant in that O.A.No.269/1998 was entitled.

3. The learned counsel for the respondents invited attention to the reply filed and stated that the lien

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of the applicant on the quasi permanent post of L.D.C. was terminated on his refusal to revert back to his parent department. According to the respondents, on attaining the age of superannuation, the applicant retired from Bhilai Steel Plant w.e.f. 31.10.1975 as Office Superintendent (OS). As the individual joined Bhilai Steel Plant, a public sector undertaking on his own volition for personal benefits. Therefore, he cannot ~~not~~ be treated to have been absorbed in public interest and he is not entitled for pro-rata pension. The learned counsel for the respondents further stated that since the applicant was only quasi permanent employee and not a permanent employee, the benefit cannot be granted.

4. After hearing the learned counsel of both the parties and after perusal of the records, it is held that the applicant in this case is entitled to the ~~same~~ benefit as has been given in the case of Narayan Pandurang Sangwai Vs. Union of India & Ors. in OA No.269/1998 dated 10th December, 1999 and earlier decision of this Tribunal in OA No.744/1995 in the case of Balakram Sharma Vs. Union of India & Ors. decided on 19.2.1998. Accordingly the applicant is directed to complete the procedural formalities for grant of pro-rata pension within one month from the date of receipt of this order. In the event, the applicant does so, the respondents shall pass orders for grant of pro-rata pension to the applicant within four months. It may be noted that the applicant will not get any interest on the amount to which he is entitled to as pro-rata pension.

5. With the directions made above, the O.A. is disposed of. Parties shall bear their own costs.

(R.K.Upadhyaya)  
Member (Adminv.)

Issued  
on 30.1.03  
BS

पूठांकन सं ओ/न्या.....जबलपुर. दि.....

प तिलिपि अचो वि: न:-

- (1) सचिव, जका न्यायलय धाम एलेक्ट्रिशियन, जबलपुर  
(2) जका न्यायलय धाम एलेक्ट्रिशियन, जबलपुर के काउंसलर  
(3) जका न्यायलय धाम एलेक्ट्रिशियन, जबलपुर के काउंसलर  
(4) बंधुवत्त, जो. प्र. अ., जबलपुर न्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

Prakash  
उप निदेशक 28/1/03

y. Dhandi A. C. V  
P. Shankaranarayanan