

12.01.2007

MA 3/2007 (OA No. 142/2005)

Mr. C.B. Sharma, counsel for applicant.  
None present for respondents.


Applicant has filed this MA thereby annexing copy of the judgement passed by the Apex Court in Civil Appeal No. 5269/2006, Accountant General of Orissa & Another vs. R. Ramamurty & Another. It is prayed that the matter may be heard as the same is fully covered by the said judgement.

In view of averments made in the MA, the MA is allowed.

For the reasons dictated separately, the OA is allowed.

  
(J.P. SHUKLA)

MEMBER (A)

  
(M.L. CHAUHAN)

MEMBER (J)

AH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 12<sup>th</sup> day of January, 2007

ORIGINAL APPLICATION No.142/2005

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

HON'BLE MR. J.P.SHUKLA, MEMBER (ADMV.)

1. Madan Gopal s/o Shri Mohan Lal, aged 76 years, r/o C-225, Gyan Marg, Tilak Nagar, Jaipur.
2. Gurmel Singh s/o Shri S.Sajjan Singh, aged about 72 years, r/o B-42, Sethi Colony, Jaipur
3. D.D.Govil s/o Shri Panna Lal, aged about 75 years r/o 2-Ka-18, Jawahar Nagar, Jaipur
4. S.K.Chopra s/o Shri J.C.Chopra aged about 69 years, r/o Raja Park, Jaipur.
5. K.K.Gaddi s/o late Shri Ishwar Das, aged about 73 years, r/o 768, Ashok Chowk, Adarsh Nagar, Jaipur
6. P.C.Chaturvedi s/o Shri Mangi Lal Chaturvedi, aged 76 years r/o D-379, Malviya Nagar, Jaipur
7. O.P.Gupta s/o Shri Lachhi Ram, aged about 73 years, r/o 2-Ka-18, Jawahar Nagar, Jaipur
8. B.L.Sethi s/o late Shri K.C.Sethi, aged about 68 years, r/o 937, Sethi Bhawan, Rasta Churukaon, SMS Highway, Choura Rasta, Jaipur.

All the applicants are pensioners of Central Government after retirement from Public Sector Undertaking on restoration of one third (1/3) commutation value.

.. Applicants

(By Advocate: Shri C.B.Sharma)

*Shri C.B.Sharma*

Versus

1. Union of India  
through its Secretary,  
Department of Pension and Pensioners Welfare,  
Government of India,  
Ministry of Personnel, Public Grievances,  
New Delhi.
2. Accountant General (A and E) Rajasthan, Jaipur
3. Principal Accountant General, Jaipur.

.. Respondents

(By Advocate: --)

**O R D E R (ORAL)**

The applicants were initially appointed in the office of respondent Nos. 2 and 3. They were sent on deputation in Public Sector undertaking (PSU) and prior to absorption in the PSU, they were allowed voluntary retirement. On account of their voluntary retirement, the applicants were in receipt of 1/3 commutation value of pension and 2/3 of pension value has been surrendered and at present the applicants are in receipt of restored amount of 1/3 commutation. The grievance of the applicants is that no doubt they were allowed restoration of 1/3 value of commutation but the respondent Nos. 2 and 3 are not allowing revised pension from time to time from the date of their entitlement on the basis of the judgment rendered by the Andhra Pradesh High Court. As such, they have filed this OA thereby praying for payment of pension

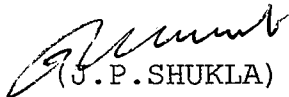
on account of 1/3 commuted value as per verdict of Andhra Pradesh High Court.

2. The respondents have filed their reply and in the reply the respondents have stated that the decision rendered by the Andhra Pradesh High Court is under judicial scrutiny of the Hon'ble Supreme Court. Therefore, the OA may be kept pending till the decision is rendered by the Hon'ble Supreme Court. On the basis of such averment made by the respondents in the reply, this Tribunal vide order dated 17.11.2005 adjourned the matter sine die and it was observed that the matter shall be revived after decision of the Hon'ble Supreme Court on an application being made by either of the parties.

3. Now the Apex Court has rendered the decision thereby upholding the judgment rendered by the Division Bench of the Andhra Pradesh High Court in Writ Petition No.8532 of 2003. The respondents have placed on record, copy of the said decision passed in Civil Appeal No.5269 of 2006 in the case of Accountant General of Orissa and Anr. Vs. R.Ramamurty and Anr. Thus, in view of the pronouncement of the Hon'ble Apex Court in the aforesaid Civil Appeal whereby the appeal filed by the Department has been dismissed and decision of the Andhra Pradesh High Court has been upheld, the present OA is allowed. The respondents are

directed to give the benefit to the applicants on the basis of the decision rendered by the Andhra Pradesh High Court in Writ Petition No.8532 of 2003 in the case of Secretary, Ministry of Personnel, Public Grievances and pensions, New Delhi and Ors. vs. R.Rama Murthy and ors. within a period of 2 months from the date of receipt of a copy of this order.

4. With these observations, the OA is allowed with no order as to costs.



(J.P.SHUKLA)

Administrative Member



(M.L.CHAUHAN)

Judicial Member

R/