

6

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

12.01.2007

MA 9/2007 (OA No. 80/2005)

Mr. C.B. Sharma, counsel for applicant.
Mr. Gaurav Jain, counsel 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.


(P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AH

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 12th day of January, 2007

ORIGINAL APPLICATION No.180/2005

CORAM:

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

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

Padam Chand s/o Shri Kanhaiya Lal, aged about 64 years, r/o 17-KA-10, Jyoti Nagar, Jaipur, pensioner of Central Government after retirement from Public Sector Undertaking on restoration of one third commutation value on 14.11.2001.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India
through its Secretary,
Department of Pension and Pensioners Welfare,
Ministry of Personnel, Public Grievances,
New Delhi.
2. Controller General of Accounts, 7th Floor, Lok
Nayak Bhawan, Khan Market, New Delhi.
3. Principal Chief Controller of Accounts, CBDT, 9th
Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
4. Zonal Accounts Officer, CBDT, IIIrd Floor, North
Block, Vikas Bhawan, IP Estate, New Delhi.

.. Respondents

(By Advocate: Gaurav Jain)

O R D E R (ORAL)

The applicant was initially appointed in the office of Accountant General in the year 1966. He was

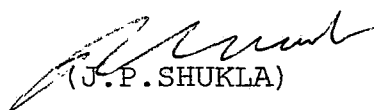
subsequently absorbed in the BHEL after seeking ~~voluntary~~ retirement from Central Government in July, 1986. On account of his ~~voluntary~~ retirement, the applicant was in receipt of 1/3 commutation value of pension and after 15 years the said value has been restored and the applicant is in receipt of the said amount. The grievance of the applicant in this OA is regarding not allowing correct pension on account of restoration of 1/3 of commuted value after 15 years despite the fact that the controversy regarding correct pension has been resolved by the Andhra Pradesh High Court in the case of Secretary, Ministry of Personnel, Public Grievances and Pensions, New Delhi and ors. vs. R.Rama Murthy and ors.,

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 20.12.2005 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.

ue

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/