

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 061/00616/2017

Chandigarh, this the 23rd day of February, 2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Harka Bahadur Mangar son of Sh. Kharka Bahadur Mangar, aged 59 years and 8 months working as Multi Tasking Staff (MTS) in the office of Deputy Director General Geological Survey of India, (GSI), Yard No. 2, Transport Nagar, Jammu, J & K-180006 (Group-C).

....APPLICANT

(Argued by: Shri D.R. Sharma, Advocate)

VERSUS

1. Union of India through its Secretary, Government of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Director General Geological Survey of India, 27, J.L. Road, Kolkata, West Bengal.
3. The Senior Deputy Director General, Geological Survey of India, Sector E, Aliganj, Lucknow.
4. The Director, Geological Survey of India, Operation, PH & HP, Sector 33, Chandigarh.
5. The Deputy Director General, Geological Survey of India, (GSI), (GSI), Yard No. 2, Transport Nagar, Jammu 180006.

....RESPONDENTS

(By Advocate: Shri Ram Lal Gupta with Mr. Navjeet Singh Nayyar,
Director (Legal))

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

Learned counsel for the parties are in agreement that this Original Application, (O.A.) be disposed of as having rendered

infructuous because the respondents have accepted the contention of applicant for grant of pension under the old pension scheme.

2. Mr. Ram Lal Gupta, learned counsel for respondents suffers a statement to this effect on the strength of communication dated 22.2.2018. He also apprised this Court that they will release pension immediately and not later than three months from the date of receipt of certified copy of this order from the date the applicant became entitled for pension.

3. In view of above, the O.A. has been rendered infructuous and is disposed of as such. However, if the respondents do not release the admissible retiral dues to the applicant by May, 2018, then the applicant will be at liberty to take appropriate recourse.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 23.02.2018

‘SK’

Heard.

2. Learned counsel appearing on behalf of respective parties are in agreement, that this Original Application (O.A.) has become infructuous, in view of their statement recorded on the last date of hearing, which reads as under:-

“1. Learned proxy counsel for the applicant apprised this Court that pending O.A., one of his prayers for grant of temporary status w.e.f. 01.09.1993 has been allowed by the respondents themselves and other relief i.e. for grant of pension under the old pension scheme has not been considered by the respondents.

2. Learned counsel for the respondents submitted that since they have already granted the temporary status, therefore, in view of the Government of India instructions for counting 50% of temporary status service towards qualifying service of pension, they be granted two months time as the matter is under process and the same will be decided finally. Granted.”

3. Today, Mr. Gupta, learned counsel for respondents made a statement at the Bar, on the strength of communication dated 22.2.2018 received by him from the respondent department to the effect that they have accepted the request of the applicant for treating 50% of temporary service towards qualifying service for pensionary benefits.

4. In view of above, the O.A. has been rendered infructuous and is disposed of as such. However, if the respondents do not release the admissible retiral dues to the applicant by May, 2018 then the applicant will be at liberty to move application for revival of this O.A.

