

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No. O.A. 350/764/2013

Date of order: 20.02.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Sri Rati Kanta Sarkar,
Ex-Junior Engineer (Civil),
D/o Telecommunication,
Resident of J-6, Cluster - 2,
Purbachal, Salt Lake,
Calcutta - 700 091.

..... APPLICANT

-Versus-

1. Union of India,
Through the Secretary to the Govt. of India,
Department of Telecommunication,
New Delhi, Dak Bhawan,
New Delhi - 110001.
2. Senior Accounts Officer (TA) - II,
Office of the Chief General Manager
(Telecom), W.B., Circle,
6, Dr. Rajendra Prasad Sarani,
Calcutta - 700001.
3. Superintending Engineer (HQ),
Office of the Chief Engineer (Civil)
Department of Telecom Services, Calcutta,
Yogayog Bhawan, 36, C.R. Avenue,
Calcutta - 700012.

..... RESPONDENTS

For the Applicant : Mr. B.K. Chatterjee, Counsel
Mr. S.P. Kar, Counsel

For the Respondents : Mrs. R. Basu, Counsel

ORDERPer Ms. Manjula Das, Judicial Member:

Being aggrieved with the non-finalisation of pro-rata pension of Rs. 375/- per month w.e.f. 1.1.1986 and subsequent revision from time to time, the applicant has approached before this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

"a. For pass an appropriate order directing the respondents to finalize the case of the applicant regarding grant of pro-rata pension @ Rs. 375/- p.m. as mentioned w.e.f. 1.1.1986 and subsequent revisions from time to time to the applicant immediately within a specified period as to this Hon'ble Tribunal deem fit and proper.

b. For pass an appropriate order directing the respondents to give the benefit of revision of pro-rata pension of service rendered by him in his parent office under the Department of Telecommunication and release the revised pro-rata pension as per rules in his favour including arrears thereof within a period as to this Hon'ble Tribunal deem fit and proper.

c. For pass an appropriate order directing the respondents to pay the interest at the rate of 10% (cumulative) on the amount of arrear which the applicant is legally entitled to.

d. Any other order or further order/orders as this Hon'ble Tribunal deem fit and proper."

2. Mr. S.P. Kar, Ld. Counsel on behalf of the applicant submits that the applicant initially was appointed in the Postal service in the post of Junior Engineer (Civil) under the Department of Posts and Telegraph and joined in the Office of the Postal Civil Circle, Kolkata on 1.8.1968. Thereafter on being selected for promotion to the post of Assistant Engineer (AE) he was transferred to the Civil Construction Wing of All India Radio, New Delhi on deputation and worked there w.e.f. 29.6.1976 to 19.5.1977 and again the applicant has joined at International Airports Authority of India, New Delhi on 20.5.1977 on keeping lien from Postal Civil Circle, Calcutta and worked there upto 1.8.1978. He was permanently absorbed in International Airports Authority of India w.e.f. 2.8.1978.

3. It was submitted by the Ld. Counsel that the applicant was granted by the respondent authority pro-rata retirement benefit for pro-rata pension on 16.10.1987 @ Rs. 96/- per month. He did make representation for granting pro-rata pension for Rs. 375/- per month w.e.f. 1.1.1986 to the respondents which had yielded no result.

4. It was submitted by Mr. Kar, Ld. Counsel for the applicant that the applicant did make representation dated 30.12.1991 and lastly on 5.10.1993 with a request to pay the minimum pension of Rs. 375/- per month along with the



5. Per contra, the respondents vide their written statement filed on 5.6.2014 submitted that the pensioner is entitled to get revised pension as per order of 4th Central Pay Commission in accordance with Para 10 of G.I. Department of Pension & Pensioner Welfare O.M. dated 16.4.1987. As per provisions contained in Rule 6(1)(ii) of CCS (Commutation of Pension) Rules, 1981, commutation of pension shall become absolute in case of an absorbed applicant on the date on which the medical authority signs the medical report in Part-III of Form-4. The medical examination of the pensioner has not been completed.

6. Apparently the respondent authorities have not completed the medical examination of the applicant, which is not at all the fault of the applicant. As per Section 28 of the Commutation of Pension Rules relating to Central Civil Service (Commutation of Pension) Rules, 1981, withdrawal application has to be made before the Head of the Office before subjecting himself to medical examination before the medical authority. It is noted that the applicant in his letter dated 5.10.93 (Annexure "A-15" to the O.A.) made to the Superintending Engineer (Civil) (respondent No. 3) with a request which reads as under:-

"I am facing financial hardship and I request that the minimum pension Rs. 375/- per month may please be paid to me immediately along with the arrear payment in case you are not in a position to issue me letter to complete medical formalities for receiving payment of commuted value of my pension."

7. I am of the view that the said letter dated 5.10.1993 shall be considered as withdrawal certificate provided it is made to Head of the Office.

8. Order accordingly.

9. After taking into account the entire conspectus of the case, I direct the respondents to finalise the case of the applicant regarding pro-rata pension @ Rs.

