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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

TA. 3 of 2015

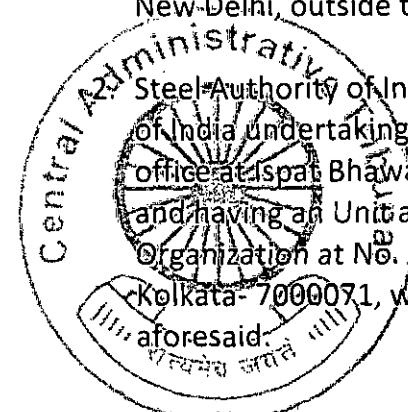
Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Asit Ranjan Chakraborty, son of late Jatindra
Kumar Chakraborty, resident of No. 2, Paramhansa
Deb Lane, Post Office- Nabagram, District- Hooghly,
Pin Code- 712246.

.....Petitioner.

-versus-

1. Union of India, through the Secretary, Ministry
of Steel, having its office at Udyog Bhawan,
New Delhi, outside the jurisdiction aforesaid.



3. Deputy Chief Personnel Manager ES, Steel
Authority of India Limited, formerly Manager
(Personnel)/ES having office at No. 40, Jawarlal
Nehru Road, Kolkata- 7000071, within the
jurisdiction aforesaid.

.....Respondents.

For the Applicant : Mr. P.S. Das, Counsel

For the Respondents : Mr. B. B. Saha, Counsel
Mr. S. Ghosh, Counsel

Heard on : 29.11.2018

Date of order: 13.12.18

ORDER

Per Ms. Bidisha Banerjee, JM:

Heard both Id. Counsel and perused the material on record.

2. The case of the applicant, in brief, is that :

The applicant served under the respondents from 1962 to 1980, when he was terminated for misconduct. On his prayer, he was appointed once again on 07/08.11.1983 and continued as such till 30.11.2000 with the respondent authorities.

A pension scheme was introduced in the respondent's organisation in the year of 1971 but due to non-completion of requisite 10 years of service till his termination in the year of 1980, the applicant was not found entitled to any pension, though he had opted for the same. A New Pension Scheme was introduced in 1985 when options were invited from the serving employees to indicate their willingness to be included in the scheme. Since the applicant did not exercise his option, despite wider circulation amongst the employees, he was granted a lumpsum payment in accordance with prevalent scheme of the respondent authorities.

The applicant thereafter approached the Hon'ble High Court at Kolkata in WP No. 2099 of 1993 challenging the transfer order dated 10.02.1978, the termination order dated 14.07.1980 with consequential benefits including restoration of his seniority. The W.P was dismissed on 23.08.2001. Aggrieved, the applicant preferred a Mandamus Appeal being APOT No. 617 of 2001 assailing the order dated 23.08.2001.

APOT 617 of 2001 was disposed of on 16.02.2010 with liberty to the applicant to prefer a representation and the Deputy Chief Personnel Manager ES was directed to consider the same in accordance with law after providing an opportunity of hearing to the petitioner. The applicant was granted oral hearing on 07.07.2010 when he submitted necessary documents, whereafter, the

Management intimated on 22.07.2010 that there was no scope available for reconsideration and therefore his appeal dated 29.04.2010 was disposed of. Aggrieved with the decision, the applicant once again preferred a Writ Petition before the Hon'ble High Court No. 774/2014 which directed transfer of the same to this Tribunal as TA. Hence, the instant TA.

3. In the Writ Petition (renumbered as TA) the applicant would seek the following relief inter alia:

- "(a) A Writ of and/or in the nature of Mandamus directing the respondents to rescind/cancel and/or set aside the impugned order under Reference No. Pers/ES-7(1)/81VO. XIX dated 22.07.2010;
- (b) A Writ in the nature of Mandamus commanding the respondent authorities to calculate and pay the pensionary benefits to the petitioner treating his service as continuous one from date of joining in service to date of retirement, i.e. from 1962 to November, 2000;
- (c) A writ of and/or in the nature of Certiorari do issue directing the respondents to transmit and produce all the relevant documents of the case before this Hon'ble Court so that ~~conscientious~~ justice to be rendered to the petitioner."

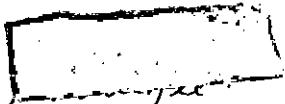
4. Given the admitted position as enumerated hereinabove and having learnt that the applicant had been paid his Provident Fund, Gratuity, Leave Encashment, HPL Encashment and lumpsum amount towards pensionary benefits in accordance with the pension scheme of the respondent authorities applicable to such employees who failed to opt for the pension scheme of 1995, we find no scope to interfere with the termination order of 1980 vintage. Since the applicant was, on the basis of his appeal already taken back after 3 years, enjoyed fruits of the service till his superannuation without any demur, he cannot be permitted to turn around to challenge his termination, that too after 14 long years.

5. However, in the event any of the payments, as the applicant would be entitled to in accordance with law, remains still unpaid, the same be tendered to him within 8 weeks from the date of receipt of a copy of this order.

6. Accordingly, OA would stand disposed of. No costs.


(Dr. Nandita Chatterjee)

Member (A)


(Bidisha Banerjee)

Member (J)

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