

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.204/2019

Dated Tuesday, the 26th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

P. Thangavel

No. 23, D1, 3rd Street

Jothipuram, Coimbatore 641 047.

... Applicant

By Advocate M/s. V. Vijay Shankar

1. The Union of India

Rep. by its Manager (Printing)

Government of India Press

Coimbatore 641 019.

2. The Director (Printing)

Directorate of Printing

B Wing, Nirman Bhavan

New Delhi – 110 011.

... Respondents

By Advocate Mr.C.Kulanthaivel

[Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)]

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To direct the respondents to pay pension, gratuity, DCRG, EL encashment commutation and other terminal benefits payable to the applicant in the light of the representation made by him on 13.08.2018 and pass such other order or orders as may be deemed fit."

2. It is submitted that the applicant was terminated from service by an order dated 26.05.2003 for securing his appointment on the basis of an allegedly forged community certificate. The termination was based on the order of the Two Member District Vigilance Committee. The applicant approached this Tribunal in OA 718/2003 which was allowed by an order dated 06.02.2004. The respondents challenged the order of the Tribunal in WP No.6717/2004 before the Hon'ble Madras High Court. The Writ Petition was, however, dismissed on the ground that the District Level Committee had no authority in law when it passed the said order and the same was opposed to the judgment of the Hon'ble Supreme Court in

Madhuri Patil Vs. Additional Commissioner, Tribal Development, AIR 1995 SC 94.

3. The applicant was directed to be reinstated into service but no backwages from the date of dismissal till the date of reinstatement was allowed. However, the Hon'ble Supreme Court in Civil Appeal 6051/2010 noted that the applicant was reinstated into service on the basis of the

interim stay of the Hon'ble High Court. Since the applicant had crossed the age of superannuation in the mean time, it was directed that the applicant would be entitled to 50% backwages in terms of the decision in

General Manager (P&A), ONGC Ltd. v. B.Kirupanjali dated 26.02.2016. The applicant has already received 50% backwages accordingly.

4. The applicant submitted a representation dated 13.08.2018 seeking pension as the family was allegedly suffering from starvation. However, no response had been received from the competent authority in this regard till date.

5. Learned counsel for the applicant seeks to rely on order passed by the Hon'ble Supreme Court in SLP 17084/2005 dated 08.03.2016 in respect of the aforesaid case of **General Manager (P&A), ONGC Ltd. v. B.Kirupanjali** wherein on mention, the matter had been taken on board and it was directed that in cases where the employee had worked through the entire period of his service and retired on attaining the age of superannuation, no further steps need to be taken and they shall be paid retiral benefits as per the rules. He, accordingly, seeks a direction to the respondents to consider the applicant's claim in the light of this order.

6. Mr.C.Kulanthaivel takes notice on behalf of the respondents and submits that it is not clear in what context the Hon'ble Supreme Court had issued the directions for payment of retirement benefits when the matter regarding community certificate had still not been decided.

Direction by the Hon'ble Supreme court is to pay retirement benefits as per the rules. The rules with regard to retirement benefits of ONGC employees were different from the rules applicable to Government employees. However, the respondents would not be averse to examining the claim of the applicant in the light of the order relied upon.

7. Keeping in view the above submission, the respondents are directed to consider the representation of the applicant dated 13.08.2018 for pension in accordance with law and in the light of applicable judicial precedents and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

8. OA is disposed of with the above observation.

**(R.RAMANUJAM)
MEMBER (A)**

26.02.2019

M.T.