

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

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No. O.A. 1440 of 2019

Date of order: 22.11.2019

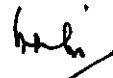
Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Dr. Laly Joseph,  
 Wife of Mr. A. Joseph  
 Aged about 67 years,  
 Ex-associate Professor,  
 JNRM College,  
 Port Blair,  
 and residing at Old Pahar Gaon,  
 Near Santoshi Maa Temple, Dollygunj,  
 Port Blair,  
 South Andaman – 744 103.

..... Applicant.

Versus

1. Union of India  
 through the Secretary,  
 Ministry of Health & Family Welfare,  
 Nirman Bhavan,  
 New Delhi – 110 001;
2. The Lt. Governor,  
 Andaman & Nicobar Islands,  
 Raj Niwas,  
 Port Blair – 744 101;
3. The Secretary,  
 Union Public Service Commission,  
 Dholpur House, Shahjahan Road,  
 New Delhi – 110 069;
4. The Chief Secretary,  
 Andaman & Nicobar Administration,  
 Office at the 'Secretariat', Port Blair,  
 South Andaman – 744 101
5. The Secretary (Education),  
 Andaman & Nicobar Administration,  
 Office at the 'Secretariat', Port Blair,  
 South Andaman – 744 101.
6. The Director of Education,  
 Andaman & Nicobar Administration,  
 Office at the 'Secretariat', Port Blair,  
 South Andaman – 744 101.
7. The Director General,  
 Central Government Health Scheme,




Nirman Bhavan,  
New Delhi – 110 011.

8. The Principal,  
JNRM College, Port Blair,  
South Andaman, Pin – 744 101.

..... Respondents

For the Applicant : Mr. B.K. Das, Counsel

For the Respondents : Mr. R. Haldar, Counsel

**O R D E R (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“i. The regular service rendered by the applicant in the Education department from 1986 to 1990 may be counted as qualifying service for all pension benefits of the applicant;

ii. The applicant be paid interest as compensation for the undue delay in payment of pensionary benefits such as i) Gratuity ii) Earned leave salary encashment iii) Monthly pension iv) CGEIS scheme etc. as per rate admissible;

iii. The applicant be compensated by paying an amount of Rs. 01 lakhs as compensation for the mental agony and physical stress that she went through during the last nine months;

iv. The entire amount deducted from the applicant’s salary on account of CGEIS scheme may be refunded with interest as per rules;

v. The applicant’s request for extending the benefit of CGHS scheme also be considered in line with the Hon’ble CAT’s order cited in the O.A.;

vi. The responsibility for non-payment/delay in payment of the pension benefits to the applicant be fixed and disciplinary action, as deemed fit, against the erring officials be ordered to be initiated as per rules so that in future no Govt. servant shall undergo the pain, tension and frustration faced by me;

vii. Consider the representation dated 17.09.2019 as Annexed “A-9” above.

viii. Such other/further Order/Orders as the Hon’ble Court may deem fit and proper.”

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage for disposal.

3. The case of the applicant, in a narrow compass, is that, the applicant was earlier serving as a Senior Teacher in the Education Department under Andaman & Nicobar administration. The applicant

*hsl*



had responded to a notification for filling up the vacant post of Lecturer in JNRM, Port Blair and had submitted her application through proper channel. The applicant was duly selected, initially appointed on an adhoc basis, and, thereafter, regularized in the said post with the approval of UPSC.

The applicant had tendered her technical resignation to the administration upon relinquishing her post as Sr. Teacher in order to join the Lecturer'S post at the JNRM, Port Blair.

The applicant, however, was informed, four months after her superannuation, that the ex-post facto approval of her technical resignation was not accepted and, consequently, the services rendered by the applicant in the Education department cannot be considered for pensionary benefits. The applicant had represented to the respondent authorities on 17.9.2019 praying for the following, namely,

1. The regular service rendered by me in the Education department from 1986 to 1990 may be counted as qualifying service for all pension benefits.

2. I may be paid interest as compensation for the undue delay in payment of pension benefits such as (i) Gratuity (ii) Earned leave salary encashment (iii) Monthly pension (iv) CGEIS Scheme etc. as per rate admissible.

3. I may be compensated by paying an amount of Rs. 08 lakhs as compensation for the mental agony and physical stress that I went through during the last nine months.

4. The entire amount deducted from my salary on account of CGEIS scheme may be refunded with interest as per rules.

5. My request for extending the benefit of CGHS scheme also may be considered in line with the Hon'ble Court's order cited above.

6. The responsibility for non-payment/delay in payment of the pension benefits to me may be fixed and disciplinary action deemed fit against the erring officials may be initiated as per rules so that in future no Govt. servant shall under the pain, tension and frustration faced by me because '**retirement life is to be spent peacefully relishing the good old memories rather than suffering, humiliated and being under tremendous tension.**'

but no response was received from the respondent authorities.

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Ld. Counsel for the applicant would urge that a direction be issued on the concerned respondent authority to decide on the applicant's representation in a time bound manner.

4. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

5. Accordingly without entering into the merits of the matter, and, with the consent of the parties, we direct the respondent No. 5, who is the Secretary (Education), Andaman & Nicobar Administration, Port Blair, to examine the contents of the representation dated 17.9.2019 (Annexure A-9 to the O.A.), in accordance with law, and, to issue a reasoned and speaking order within a period of 8 weeks from the date of receipt of a copy of this order.

The decision of the respondent authority should be conveyed to the applicant forthwith thereafter.

6. With these directions, the O.A. is disposed of. No costs.

**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Bidisha Banerjee)**  
**Judicial Member**

**SP**