

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

IN RE:- M.A. NO. OF 2014
IN
C.P. NO.158/2012
IN
O.A. NO.655/2010

IN THE MATTER OF:-

CENTRAL GOVERNMENT SAG (S-29)
PENSIONERS ASSOCIATIONAPPLICANTS

VERSUS

UNION OF INDIA & ORS.RESPONDENTS

MEMO OF PARTIES

1. Central Government SAG (S-29) Pensioners Association,
Through its Secretary Shri Sant Bhushan Lal,
C-5/21, Grand Vasant, Vasant Kunj,
New Delhi-110 070.
2. Shri Satish Verma,
Retd. Chief Engineer, Central Water Commission,
Ministry of Water Resources, Govt. of India,
Resident of B-6/8, Vasant Vihar,
New Delhi-110 057.Applicants.

VERSUS

1. Shri R.C. Misra,
Secretary to the Government of India,
Department of Pensions and Pensioners Welfare,
Ministry of Personnel, Public Grievances & Pensions,
Lok Nayak Bhawan, Khan Market,
New Delhi-110003.
3. Mr. Sumit Bose,
Secretary to the Government of India,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi.Respondents

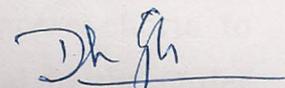
THROUGH

(RAJESH KATYAL & D.S. MEHANDRU)

ADVOCATES

SENIOR CENTRAL GOVT. COUNSEL

RESPONDENTS



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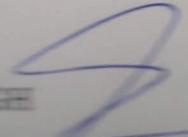
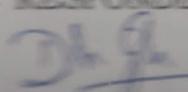
APPLICATION ON BEHALF OF THE
RESPONDENTS FOR EXTENSION OF TIME

MOST RESPECTFULLY SHOWETH :

1. That the above mentioned O.A. was disposed of by the Hon'ble Tribunal vide order dated 01.11.2011. The applicants thereafter filed contempt petition i.e. C.P. No.158/2012 and the same was disposed of vide order dated 15.05.2014. The copy of the said orders dated 01.11.2011 and 15.05.2014 are annexed herewith as **Annexure R-1 and Annexure R-2**, respectfully.
2. That this Hon'ble Tribunal vide order dated 15.05.2014 while disposing of the contempt petition directed the respondents to implement the directions of the Hon'ble Tribunal expeditiously, preferably within three months.
3. That the said three months period is going to expire on 15.08.2014. The Respondents are making all sincere efforts to comply with the directions of this Hon'ble Tribunal in the Order dated 15.05.2014 by giving the benefits of the Judgement dated 01.11.2011 to the Applicants in OA No.655/2010.

4. That the O.A. No.655/2010 was filed by Central Government SAG (S-29) Pensioners' Association through its Secretary Sh. Sant Bhushan Lal as Applicant No.1 and Sh. Satish Verma was the Applicant No.2. Thus, Applicant No.1 is an association and Applicant No.2 is an individual. The directions of this Hon'ble Tribunal dated 15.05.2014 are to be complied with and the benefit of the judgment is to be given to the petitioners/applicants in the present O.A. The answering Respondents vide letter dated 29.05.2014 (Annexure R-3) requested the said Association (Applicant No. 1 in OA No.655/2010) to provide certain details regarding membership of the Association so that the concerned pension sanctioned authorities could be asked to implement the order dated 15.05.2014 as passed by this Hon'ble Tribunal in respect of those members of the petitioner association whose details with proof are submitted to the Respondents. It is pertinent to mention here that thereafter subsequent reminders were sent on 13.06.2014, 23.06.2014 and 07.07.2014. A reply from the Petitioner Association has since been received (Annexure R-4). A preliminary examination of this reply shows that the Association has not provided the complete information. An authenticated copy of the list of the members of the Association with their office/residential addresses, etc. has not been provided by the Association. The Association has been advised on 17.7.2014 (Annexure R-5) to give the complete details so that the concerned Pension Sanction Authorities could be asked to implement the order of Hon'ble CAT in respect of the eligible members of the Association.
5. It is most respectfully submitted that in the absence of the complete particulars/details, it would not be possible for the Respondents to implement the judgment dated 01.11.2011 passed by the Hon'ble Tribunal in O.A. No.655/2010.
6. That more than two months time has already elapsed since the order was passed by this Hon'ble Tribunal but the Applicants have not provided the complete details making it difficult for the respondents to implement the order of this Hon'ble Tribunal.

7. That the answering respondents have got highest regards for the orders of this Hon'ble Tribunal and are ready to implement its order in letter and spirit but because of the above circumstances and lack of details, it is not possible for the Respondents to implement the order passed by this Hon'ble Tribunal.
8. That the present application is being filed on behalf of the Respondents seeking directions to the petitioner No.1 Association to provide the complete details sought from the said Association vide letters dated 29.5.2014 (Annexure R-3) and dated 7.7.2014 (Annexure R-5) so that the orders of the Hon'ble Tribunal could be complied with by the Respondents.
9. That it will be in the interest of justice that the petitioners Association is directed by this Hon'ble Tribunal to provide the required details to the respondents and, the Respondents may be given at least three months time thereafter to verify the details provided by the Applicant Association and to take further necessary action for implementation of the order dated 15.05.2014, as passed by this Hon'ble Tribunal, through the concerned Pension Sanctioning Authority. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to:-
- (i) direct the petitioners Association to provide the details as sought in Annexure R-3 and Annexure R-5 to the Respondents.
- (ii) and give three months time from the date the petitioner's Association give the required details to the Respondents to implement the directions given vide order dated 15.05.2014 as passed in the above O.A./C.P. by this Hon'ble Tribunal to the Respondents.

THROUGH 
RAJESH KATARIA & D.S. MEHARISHI
ADVOCATES
RESPONDENTS

SENIOR CENTRAL GOVT. COUNSEL

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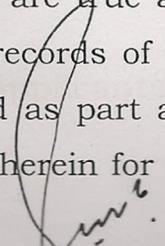
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AFFIDAVIT

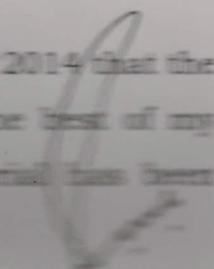
I, S.K. Makkar, Under Secretary, Department of Personnel, PG and Pensions, Lok Nayak Bhawan, Khan Market, New Delhi do hereby solemnly affirm and declare as under:-

1. That I the above named deponent is Under Secretary, Department of Personnel, PG and Pensions, Lok Nayak Bhawan, Khan Market, New Delhi and am well conversant with facts and circumstances of the present case. Thus I am competent to swear this affidavit.
2. That contents of the accompany Misc. application on behalf of the respondents for directions to the applicants and extension of time has been drafted by my counsel under my instructions and the same has been read by me; understood by me and are true and correct to the best of my knowledge based on the records of the respondents and contents of the same may be read as part and parcel of this affidavit as the same are not repeated herein for the sake of brevity.


DEPONENT

VERIFICATION:

Verified at Delhi on this day of 2014 that the contents of my above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



M311 Annexure - R-2
Gouls Matter (Colli)
Special Post

No.38/77-A/09-P&PW(A)
Government of India
Ministry of Personnel, PG & Pension
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi
New Delhi, the 16th July, 2014

To

The Secretary
[Shri Sant Bhushan Lal]
Central Government SAG (S-29)
Pensioners' Association
C5/21, Grant Vasant, Vasant Kunj
New Delhi 110 070.

17th

17 JUL 2014

Sub:- Implementation of the order dated 1.11.2011 of Hon'ble CAT, Principal Bench, New Delhi in OA No.655/2010

Sir,

I am directed to refer to your letter dated 'Nil' on the above subject and to say that the Government Counsel had submitted before CAT, Principal Bench, New Delhi on 15.5.2014 that Ministry of Law has advised the Department to implement the order of Tribunal qua the petitioners. The order dated 15.5.2014 was passed by Hon'ble CAT keeping in view the above submission of the Government Counsel. Therefore, the order is applicable only to the petitioners in OA No.655/2010.

2. The list of members of the Association which was given informally in the CAT on 15.5.2014 is an unauthenticated list which is not acceptable for the purpose of grant of benefits as per the CAT's order. Further the list does not contain the addresses of members, their designations at the time of retirement, the complete addresses of the Department, details of Head of Department, Pension Sanctioning Authority/PAO, etc. In the absence of these details, it would not be possible for this Department to ask the concerned Pension Sanctioning Authorities to implement the order of Hon'ble CAT, PB, New Delhi.

3. Further, the list provided by the Association shows that many of the persons named in the list belong to autonomous bodies/statutory bodies like CSIR, etc. This Department is the Nodal Department in respect of pensionary matters of Central Government employees only. In this case, these autonomous bodies were not even named as respondents and have not been given any opportunity to defend. It would, therefore, not be possible for this Department to ask these autonomous bodies to implement the order of Hon'ble CAT. These Autonomous Bodies have to take their own decision in the matter.

This issues with the approval of competent authority.

OLC

Yours faithfully

(S.K. Makkar)

Under Secretary to the Government of India

17 JUL 2014
ISSUED