

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16460 of 2016

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Sadhu Prasad Sharma, son of Late Gopi Chand Singh, resident of Mohalla-Chitragupta Nagar, P.S.- Kankarbagh, District- Patna.

.... Petitioner

Versus

1. The Union of India through the Secretary, Govt. of India, Ministry of Labour, Shram Shakti Bhawan, New Delhi.
2. The Director, The Central Board for Workers Education, Ministry of Labour, Govt. of India, North Ambazari Road, Adjacent to V.R.C.E. Gate, Nagpur, Maharashtra.
3. The Account Office-cum-Financial Advisor, Central Board for Worker Education, Ministry of Labour, Govt. of India, North Ambazari Road, Adjacent to V.R.C.E. Gate, Nagpur, Maharashtra.
4. The Regional Director, Regional Directorate of Worker Education, Damanchak, Muzaffarpur- 842001.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sangha Mitra Ghose, Advocate
Mr. Shashi Bhushan Prasad Sinha, Advocate
For the Respondent/s : Mr. S.D. Sanjay (Addl. Soc. Gen.)
Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-03-2017

There have been too many rounds of litigations with regard to what the petitioner is entitled in terms of pro-rata pension with effect from 01.08.1985. The legal battle has been fought from the Tribunal to Hon'ble Supreme Court not once but twice. The respondent Union of India have fixed the pension in terms of the table as well as notifications from time to time and this is what the Tribunal has held in paragraph 4 of its order dated 26.04.2006, which



is reproduced hereinbelow :

*“4. Respondents have filed a written statement and also reply to rejoinder by clearly stating that **pro-rata pension** has already been released to the applicant and CBWE is paying the pro-rata pension from 01.08.1985 @ Rs.264/- p.m. + DR after refund of CPF amount and all the retiral benefits have been released. The respondents further pleaded that the payment of basic pension w.e.f. 01.01.1986 @ Rs. 264 is correct and the revision of pension w.e.f. 01.01.1986 and 01.01.1996 fixed at Rs. 526/- and Rs. 1618/- respectively are also correct. Further case of the respondents is that the pension of the applicant has been fixed as per the available guidelines and norms.”*

Therefore, this part of the issue and claim is not required to be looked into and the Tribunal has rightly refused to reopen the issue of revision of pension for the period 1986 to 1996. However, the Tribunal has given a direction to the respondents to consider the claim of the petitioner on current entitlements with regard to pro-rata pension. We are, therefore, in agreement that the respondent authorities will carry out this part of the direction of the Tribunal and communicate the outcome thereof within a reasonable time, in fact, the Court would expect that the decision should be



communicated to the petitioner within a period of three months from today.

Writ is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2017
Transmission Date	NA

