THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.22289 OF 2012

ORDER
(per Sri Justice Sanjay Kumar)

The petitioner initially filed W.P.No.13072 of 2002 before this Court assailing the action of the Union of India in rejecting his representation under letter dated 13.06.2001 and refusing to grant him pension. He also challenged the action of the National Institute of Agricultural Extension Management, Hyderabad (MANAGE), an autonomous organization under the Government of India, being a society registered under the Public Societies Registration Act, 1350 Fasli, in not releasing terminal benefits to him taking into account the service rendered by him in National Institute of Small Industry Extension Training, Hyderabad (NISIET). He sought a consequential direction to the authorities to compute and release his dues with interest. Thereafter, as MANAGE was brought within the jurisdiction of the Central Administrative Tribunal, *vide* Government of India Notification dated 25.07.2007, the writ petition was transferred to the Central Administrative Tribunal, Hyderabad Bench (CAT), and renumbered as T.A.No.13/2011 in W.P.No.13072 of 2002. However, upon adjudication, the Tribunal dismissed the case by order dated 19.03.2012. Aggrieved thereby, the petitioner filed the present writ petition.

Heard Sri Siva, learned counsel for the petitioner, Dr.P.B.Vijay Kumar, learned counsel for MANAGE and Sri Meherchand Nori, learned counsel for NISIET. The matter is therefore amenable to final disposal at this stage.

Though Sri M.Brahma Reddy, learned counsel, took notice for the Union of India, he was absent on 26.11.2014 and even thereafter. Even today, there is no representation for the Union of India.

After securing his Ph.D. from the Indian Agricultural Research Institute, New Delhi, the petitioner joined the Indian Space Research Organization (ISRO) in 1971 as a Systems Analyst and worked for about a year. He joined the service of the National Institute of Rural Development (NIRD) as Deputy Director (Agricultural Extension) in September, 1972. This Institute is an autonomous organization controlled by the Ministry of Rural Development, Government of India. He was thereafter promoted as a Joint Director. He however resigned from the service of NIRD in September, 1981 and joined NISIET, Hyderabad. NISIET is also an autonomous organization functioning under the Ministry of Industry, Government of India. He joined its service as a Faculty Member. In February, 1982, he was selected and appointed as Director (Applied Behavioral Sciences). While so, in 1993, MANAGE invited applications from eligible candidates for appointment to two posts of Directors in its service, preferably on deputation. The petitioner applied through NISIET and with its concurrence, he was appointed on deputation basis as a Director in MANAGE for a period of two years with effect from 07.09.1995. Prior to expiry of his deputation, MANAGE sought willingness of the petitioner to be absorbed permanently in its service. The petitioner thereupon informed MANAGE, *vide* letter dated 06.05.1997, that he was willing to be permanently absorbed in its service provided his past service was counted for retirement benefits, including pension. While so, NISIET addressed letter dated 02.06.1997 to MANAGE requesting that the petitioner be relieved on 06.09.1997 upon expiry of his deputation so as to enable him to join his parent organization. MANAGE addressed reply dated 06.06.1997 informing NISIET that a decision had been taken in principle to absorb the petitioner in its service with effect from 07.09.1997 upon expiry of the term of deputation as he had given his willingness for such absorption

subject to the condition that pension and other service benefits would be protected by counting the past service rendered at NISIET. MANAGE therefore called upon NISIET to forward the terms and conditions of NISIET for permanent absorption of the petitioner at MANAGE and its willingness to transfer all the benefits such as EPF amount (individual and institutional contributions with interest), DCRG, etc. to MANAGE. NISIET was also requested to send a copy of the EPF Rules followed by it for taking a final decision. Thereupon, NISIET informed MANAGE, *vide* letter dated 30.06.1997, that its competent authority had approved the absorption of the petitioner who was on deputation to MANAGE. NISIET requested that the petitioner be asked to tender his resignation as a technical formality. MANAGE replied, *vide* letter dated 08/10.07.1997, reminding NISIET that as MANAGE did not have an EPF scheme, NISIET had been requested to forward a copy of the EPF rules of its organization for taking necessary action. Referring to the approval communicated, *vide* letter 30.06.1997, MANAGE pointed out that the terms and conditions of permanent absorption had not been mentioned and again requested NISIET to forward the terms and conditions of absorption and also a copy of the EPF rules of NISIET for necessary action at their end.

NISIET thereupon addressed letter dated NIL.07.1997 informing MANAGE that the petitioner may be absorbed in MANAGE on the terms mentioned therein. It may be noted that as regards pensionary benefits, NISIET stated that it did not have a pension scheme on par with Government of India employees but had an EPF scheme. It further stated that the petitioner may withdraw the EPF amounts standing to his credit (his contribution and the employer's share) as admissible under the rules or the amounts could be transferred to MANAGE on a written undertaking that the

service rendered by him at NISIET would be duly counted for retirement benefits by MANAGE. NISIET also forwarded a copy of the rules of its EPF scheme. It again emphasized that the petitioner would have to tender a technical resignation indicating the date on which he had to be relieved from the services of NISIET and that his absorption may come into force immediately thereafter so as to not cause any break in his service. MANAGE thereupon forwarded the aforestated letter dated NIL.07.1997 received from NISIET, under Note dated 07.08.1997, to the petitioner and asked him to give his consent/undertaking in writing for the points mentioned in the said letter at the earliest. The petitioner thereupon submitted Note dated 26.08.1997 informing MANAGE that he gave his consent for permanent absorption at MANAGE with effect from 01.09.1997. He further stated that while working at NISIET, he had requested on 11.10.1995 that NISIET should take steps to have his service at NIRD counted in his total service for the purpose of retirement benefits and NISIET, in turn, had written to the Registrar, NIRD, under letter dated 21.11.1995. He therefore requested MANAGE to take up the matter with NIRD and get his NIRD service counted for the purpose of his retirement benefits at MANAGE before finalizing the issue of permanent absorption. He also asked as to whether he should tender his resignation directly to NISIET or through MANAGE.

At this stage, it may be noted that NISIET thereafter informed MANAGE that the petitioner had already received terminal benefits from NIRD and no nucleus thereof had been remitted to NISIET.

Thereafter, under letter dated 04.09.1997, MANAGE forwarded the technical resignation of the petitioner to NISIET and informed it that the process of his permanent absorption was in final stages. MANAGE also addressed letter dated 09.09.1997 to the Registrar, NIRD, informing it that a

decision had been taken by it to absorb the petitioner in its service and that he was also willing for the same subject to the condition that his past services rendered at NISIET were taken into account for his retirement benefits. NISIET addressed letter dated 17.09.1997 to MANAGE stating that the petitioner could be absorbed in the service of MANAGE with effect from 08.09.1997 on which date his deputation expired and acceptance of his technical resignation would be communicated in due course. As regards counting of his past service at NISIET, it stated that it would remit the amounts towards encashment of earned leave standing to his credit as on the date of his relief from the organization and also the DCRG amount. As regards the PF amounts, NISIET stated that the EPF Trust would get in touch with MANAGE. On 18.11.1997, NISIET informed MANAGE that its competent authority had accepted the technical resignation tendered by the petitioner and approved his absorption in the service of MANAGE. NISIET then addressed letter dated 26.06.1998 to MANAGE informing it that under letter dated 24.06.1998, crossed cheque dated 23.06.1998 for a sum of Rs.4,57,405/- was forwarded to it towards settlement of the PF dues of the petitioner but requested MANAGE not to encash the said cheque and treat the same as cancelled. NISIET forwarded cheque dated 26.06.1998 with this letter for a sum of Rs.2,64,282/- and informed MANAGE that the balance amount would be paid as soon as due procedures were completed. Thereafter, under letter dated 28.04.2000, NISIET informed MANAGE that in final settlement of the PF accumulation in respect of the petitioner, crossed cheque dated 27.04.2000 for a sum of Rs.10,432/- was being forwarded.

It is relevant to note that MANAGE issued Office Order dated 01.07.1999 permitting the petitioner to contribute towards GPF in MANAGE with effect from 01.07.1999 pending decision on his permanent absorption in

MANAGE. The FA & AO of MANAGE was requested thereunder to deduct amounts towards GPF from his pay bills commencing from the month of July, 1999. By letter dated 30.03.1998, the petitioner raised certain issues with regard to his permanent absorption etc. and requested the Director General (In-charge) of MANAGE to do the needful by according top priority to his case. The Joint Secretary, Agricultural Extension Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India, was addressed by MANAGE raising the issue of permanent absorption of the petitioner in its service. MANAGE concluded by the letter stating as follows:

> 'The above facts perhaps will be pertinent for your kind consideration and will help to expedite *a communication from your end conveying that the ministry has no objection to MANAGE accepting his EPF (Employer's share) accumulations into pension fund in the manner indicated in the preceding paragraph*. This will bring to conclusion the process of his permanent absorption at the earliest. It is pertinent to note that MANAGE has accepted his absorption with the condition of counting his past service for pensionary benefits (*ref.* Para No.2 above)
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> Dr.Chakravarty has been managing the PGDABM programme with full dedication and hard work and has been highly successful. It is in the fitness of things that MANAGE needs to reciprocate by preventing further delay in the process, which has been causing high distress to him. Completion of the absorption process will also enable him to avail of HBA, which has been pending with us for over a year. With barely two years to go for him it is rather unfair to deny him this facility any further.'

MANAGE again addressed letter dated 11.01.1999 to the Chairman, Executive Council & Secretary (Agriculture and Cooperation), Ministry of Agriculture, Government of India, narrating the history of the case, pointing out that while processing the issue it was found that there was no pension scheme in NISIET on par with Government of India employees and that the petitioner was governed by EPF. Reference was made to Office Memorandum dated 29.08.1984 of the Department of Personnel that there was no provision to absorb employees other than those with pensionary benefits or CPF in their parent department. The Director General (In-charge)

of MANAGE therefore stated that the Executive Council of MANAGE in its meeting held on 30.07.1998 decided that the issue should be referred to the Ministry for decision. He pointed out that prior to NISIET introducing EPF, the petitioner was governed by CPF at NISIET and his case deserved sympathetic consideration. He strongly recommended the case of the petitioner stating that he was a committed and hard-working colleague and had made notable contribution in enhancing the quality of the PG Program and also preparation of publications, Annual Reports and the MANAGE Profile. He concluded by stating that contribution of the petitioner to MANAGE deserved to be reciprocated with prompt resolution of his problem.

It appears that the petitioner attained the age of superannuation of 60 years and retired from the service of MANAGE on 31.10.2000. By office order dated 30.10.2000, MANAGE sanctioned retirement benefits to him pending receipt of orders from the Ministry of Agriculture, Government of India. He was paid the EPF employer and employee contributions received from NISIET; gratuity received from NISIET; and EL encashment received from NISIET with interest apart from the amounts deducted towards employee's share of EPF and contribution of employer's share of EPF with interest from November, 1997 to October, 2000, treating the amount of GPF subscription from July, 1999 to October, 2000 also as EPF. He was also extended encashment of 62 days of earned leave standing to his credit and gratuity of Rs.68,650/- for the qualifying service of three years from September, 1997 to October, 2000. In all, the petitioner received Rs.10,41,608/-, *vide* Cheque dated 31.10.2000, which he acknowledged under a Receipt of the same date. He however stated therein that he was receiving the said amount as interim payment in respect of terminal benefits and not as full and final settlement thereof. He also stated that receipt of the

same was without prejudice to his rights and that he would refund forthwith the amount received in respect of EPF employer's contribution, DCRG and Earned Leave encashment in the event of pensionary benefits, counting his previous service, being given to him. After his retirement, the petitioner submitted representation dated 06.11.2000 to MANAGE canvassing his grievance with regard to his retirement benefits.

However, by letter dated 24.07.2001, MANAGE informed the petitioner that under letter dated 13.06.2001, the Under Secretary to Government of India, Ministry of Agriculture, Department of Agriculture and Cooperation, New Delhi, communicated the final decision of the Government regarding his retirement benefits. By the said letter dated 13.06.2001, addressed to the petitioner, the Under Secretary stated as follows:

> 'I am directed to refer to your letter dated 14th April, 2001, addressed to Sh.Bhaskar Barua, IAS, the then Secretary (A&C) on the above mentioned subject and to say that the matter has carefully been examined in this Department. It is observed that you have been paid all the dues as admissible to a NISIET employee and you can not be granted pension as there is no provision under CPF Rules for counting of service rendered under EPF. The proposal has also been not accepted by Deptt. of Pension/ministry of Finance.'

This was the cause of grievance for filing of the original writ petition.

MANAGE filed a counter-affidavit in W.P.No.13072 of 2002 through its Director General. Surprisingly, it adopted the line taken by the Government of India contrary to its own recommendations in its earlier letters. Stating that the petitioner had not put in ten years of service to be eligible for pension as per the Central Civil Services (Pension) Rules, 1972 (for brevity, 'the Rules of 1972'), as he had only worked for five years, the Director General went on to state that MANAGE wanted to absorb the petitioner in service in good faith, provided his previous service rendered in NISIET was pensionable or they were following the CPF rules applicable to Government

of India employees. He stated that after seeking clarification from NISIET, it had come to light that the said organization did not have either a pension scheme or a CPF scheme but followed an EPF scheme applicable to shops and establishments. The Director General further stated that the petitioner was paid Rs.10,41,608/- towards his retirement benefits which was far more than what he would have got if he had continued in the service of NISIET and had retired there. He however conceded that in the normal course, had the previous service rendered by the petitioner in NISIET been counted, he would have got the benefit of pension in terms of MANAGE Service Bye-law No.35 and the Rules of 1972. He further stated that as the petitioner had worked in NISIET, which was not covered by the pension rules and was not a pensionable establishment, his past service could not be taken into account. He agreed that NISIET had stated that it was not possible to permit extension of the deputation of the petitioner beyond the period agreed to and that the petitioner should be relieved on 06.09.1997 upon completion of the deputation so that he could join the parent organization. He also admitted the exchange of correspondence with regard to the permanent absorption of the petitioner in the service of MANAGE but sought to justify the decision of the Government of India under its letter dated 13.06.2001. He conceded that deductions had been made on a regular basis from the salary payable to the petitioner towards contribution to GPF in MANAGE but finally, the said contributions were treated as EPF recoveries and disbursed to the petitioner upon his retirement. The Director General further stated that the petitioner had rendered only five years of service - two years on deputation initially and the subsequent three years which could be treated as an extended period of deputation. This plea was sought to be sustained by him on the strength of the language used in the original appointment letter

dated 12.04.1995 to the effect that the petitioner was taken on deputation for a period of two years or till such time as his services were required by MANAGE. He concluded the counter stating that the petitioner did not suffer any financial hardship or loss as he had received substantial retiral benefits.

By the order dated 19.03.2012, presently under challenge, the Tribunal accepted the plea of MANAGE that as the petitioner was not absorbed in its service, the only way out was to account for the period of his service in MANAGE as 'extended deputation' and treating it as service of a NISIET employee. The Tribunal affirmed that it was inclined to agree with MANAGE that as a borrowing organization, it had no other way of giving retiral benefits to the petitioner. The Tribunal held that as the petitioner had not rendered the requisite length of service in terms of the Rules of 1972, he could not lay any claim for pension. Further, the Tribunal was of the opinion that even if the petitioner had been absorbed permanently, the past service rendered by him in NISIET could not have been counted for the purpose of pension as NISIET was covered by EPF scheme while MANAGE was a pensionable establishment governed by GPF. The Tribunal therefore held that there was no merit in the petitioner's claim that his past service could be counted and that his terminal benefits should be settled accordingly. It is on the strength of this reasoning that the Tribunal dismissed the case.

The aforestated factual history demonstrates in no uncertain terms that MANAGE merrily led the petitioner up the garden path, utilized his services for its own purposes and now seeks to cast him out unceremoniously. Unfortunately, the Tribunal lost sight of various factual aspects which completely negated the peculiar stance now adopted by MANAGE to the effect that the petitioner continued on 'extended deputation' in its service. The letter dated 02.06.1997 addressed by NISIET to MANAGE

puts it beyond the pale of doubt that NISIET was not agreeable to permit the petitioner's deputation with MANAGE to continue beyond the period already agreed to, which was to expire on 06.09.1997. At that stage, it was MANAGE which came up with the idea of absorbing the petitioner in its service permanently, obviously because it wanted to utilize his learning and expertise, as is clearly brought out by the recommendatory letters addressed by MANAGE to the Government of India at an earlier point of time when it wanted to support the case of the petitioner.

Significantly, MANAGE was well aware right from the beginning that NISIET was governed by EPF and not by CPF or GPF. This aspect was brought out by MANAGE itself in its first letter dated 06.06.1997, wherein it asked NISIET to express willingness to transfer the EPF amounts standing to the petitioner's credit. MANAGE also asked for a copy of the EPF rules of NISIET in this letter. In the light of this communication, the stand taken by MANAGE in the counter that it was only in the course of processing the petitioner's case for permanent absorption that it came to light that NISIET was not covered by CPF or GPF cannot be countenanced. MANAGE was well aware all through that the petitioner was governed by EPF in the service of NISIET, but notwithstanding the same, it held out a promise to him that his past service in NISIET would be counted for retirement benefits once he was permanently absorbed in its service. This promise was actually acted upon as is clear from the fact that MANAGE effected deductions from the petitioner's salary towards contributions to GPF while he was in its service. MANAGE did a *volte-face* only after the petitioner retired upon attaining the age of superannuation and tried to treat these GPF contributions as EPF contributions. When MANAGE is not governed by EPF and it admittedly made contributions during the service of the petitioner, there is no question of

treating such contributions as EPF contributions. Though reference was made to Bye-law No.35 of MANAGE, which permits counting of past service for retirement benefits, a copy of the said bye-law is not placed on record. In any event, given the commitment offered by MANAGE to the petitioner, it is not open to it to now refuse to reckon the period of his past service in NISIET for the purpose of his retirement benefits.

It may also be noted that the petitioner tendered his resignation to NISIET and the same was duly accepted. He therefore ceased to be an employee of NISIET, post such acceptance. That being so, the question of his continuing in MANAGE on 'extended deputation' from NISIET would not arise after the said date. The concept of 'extended deputation' of the petitioner after 1997, to justify his continuation in the service of MANAGE, is therefore bereft of logic. Once the petitioner resigned from the service of NISIET and MANAGE itself informed NISIET that the process of his absorption in its service was at the final stage, it is too late in the day for MANAGE to now change its stance and claim that the service rendered by the petitioner from 1997 to 2000 was on 'extended deputation'.

Though letters seem to have been addressed by MANAGE to the Government of India in 1998 itself, it is unfortunate that no decision was taken thereon till the petitioner attained the age of superannuation. In effect, the Government's belated decision does a complete turn about on the promise held out by MANAGE to the petitioner, subject to which he had left the service of NISIET and rendered loyal service to it till his retirement. In this regard, it is not for MANAGE to decide as to whether the petitioner was benefited by choosing to be in its service instead of being with NISIET. That choice ought to have been left to the petitioner by MANAGE in the year 1997, if it was of the opinion that it could not give him the commitment that

he wanted with regard to his past service being counted for retirement benefits. Having led him to believe that it had acceded to that request, MANAGE cannot now turn around after his retirement and state that the rules do not permit counting of his past service for retirement benefits.

It may also be noted that MANAGE accepted the EPF amounts sent by NISIET without protest and also accepted the condition prescribed by NISIET to the effect that the petitioner's EPF amounts would be transferred to MANAGE on a written undertaking that the service rendered by him at NISIET would be duly counted for his retirement benefits by MANAGE. Having committed itself to this course of action all through, by its own conduct, it is too late in the day for MANAGE to now retract therefrom to the detriment of the petitioner.

Section 17A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, speaks of transfer of accounts. Sub-section (1) thereof states to the effect that where an employee employed in an establishment to which EPF applies leaves that employment and obtains re-employment in another establishment to which EPF does not apply, the accumulations to the credit of such employee in the provident fund of the establishment left by him shall be transferred to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.

Therefore, when NISIET asked MANAGE to give its willingness for receiving the EPF amounts of the petitioner so that his past service could be taken into account by MANAGE at the time of his retirement, it was for MANAGE to immediately inform NISIET that the rules would not permit such transfer of EPF amounts to the GPF scheme prevalent in MANAGE. However, MANAGE did not deem it appropriate to take this stand at that point of time.

On the other hand, not only did it receive the EPF amounts sent by NISIET but also effected deductions from the petitioner's salary towards contributions to GPF. In consequence, MANAGE allowed the transfer of the EPF amount under Section 17A(1) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 to its GPF scheme.

Reference may also be made to the General Provident Fund (Central Services) Rules, 1960. Rule 35A deals with the procedure to be followed on transfer of an employee from the service of a body corporate owned or controlled by the Government or an autonomous organization registered under the Societies Registration Act, 1860, to Government service. This rule provides that if a Government servant admitted to the benefit of GPF was previously a subscriber to any provident fund of a body corporate owned or controlled by the Government or an autonomous organization registered under the Societies Registration Act, 1860, the amount of his subscription and the employer's contribution, if any, together with interest thereon should be transferred to his credit in the GPF with the consent of that body. Rule 37 of these rules empowers relaxation of the operation of the rules in the event such operation causes or is likely to cause undue hardship to a subscriber and notwithstanding anything contained in the rules, such a case can be dealt with in such manner as may appear to be just and equitable. It is therefore clear that an employee of an autonomous organization, being a society registered under the Societies Registration Act, 1860, can subscribe to the GPF upon becoming a Government servant and have his subscriptions and the employer's contributions together with interest from any other provident fund in the said autonomous organization transferred to his GPF account. Further, the rules are not rigid in their operation and the power of relaxation created by the rules itself empowers dealing with individual cases

independently notwithstanding anything contained in the rules if operation of the said rules causes an undue hardship.

In so far as the letter dated 13.06.2001 of the Government of India is concerned, it demonstrates complete lack of application of mind. Therein, the Under Secretary stated that the petitioner had been paid all dues admissible to a NISIET employee and that he could not be granted pension as there was no provision under the CPF rules for counting of service rendered under EPF. As already pointed out, the petitioner's service in NISIET stood terminated upon acceptance of his resignation in the year 1997 itself. Therefore, the question of his being paid all dues admissible to a NISIET employee upon his retirement in October, 2000, did not arise at all. Further, MANAGE was governed by GPF rules and not by CPF rules. Therefore, reference to CPF rules in the communication demonstrates the level of application of mind to the issue by the Government.

Though much has been stated by the authorities to the effect that conversion from EPF to GPF is not permissible under the rules, it may be noticed that in the case of canteen employees, the Government of India through its Ministry of Personnel, Public Grievance and Pensions, permitted conversion of all such EPF amounts into GPF contributions by directing GPF accounts to be opened in the names of such canteen employees.

Further, Office Memorandum No.28-10/84-Pension Unit dated 29.08.1984 was issued by the Government of India, titled 'Transfer of Central Government servants to Central Autonomous Bodies and *vice versa* and of employees of Central Autonomous Body to another Central Autonomous Body'. Clause 3(b) in this Office Memorandum deals with an autonomous body where no pension scheme is in operation and states that in the case of absorption of a Government employee with CPF benefits in an

autonomous body where there is no pension scheme, the amount of his subscriptions and the Government's contribution, if any, together with interest thereon shall be transferred to his new provident fund account with the consent of that autonomous body. Clause 3(c) of the Memorandum makes the procedure mentioned in Clauses 3 (a) and (b) applicable *mutatis mutandis* to employees going from one autonomous body to another.

In the light of the aforestated Office Memorandum which permits migration of employees from one autonomous body under the Central Government to another, the rules cannot be subjected to rigid interpretation in such a technical manner resulting in injustice to the employee concerned. As already stated *supra*, the Government of India itself chose to permit EPF contributions to be credited to the newly opened GPF accounts in the case of canteen employees. Therefore, the case of the petitioner, when it was considered by the Government at a stage when he had already retired after rendering loyal service to MANAGE under the belief that his past service would be taken into account for reckoning his retirement benefits, ought to have been dealt with on the same lines as the case of canteen employees. Having allowed the matter to remain unaddressed since 1998, the Government of India cannot suddenly insist upon rigid adherence to the rules so as to deny the petitioner the benefit of his past service in NISIET.

Given the facts and circumstances of the case and the conduct of MANAGE all through, compounded by the delay on the part of the Government of India in addressing the issue, this Court is of the opinion that the petitioner must, in the interest of justice, be extended the benefit of his past service for reckoning the retirement benefits due to him, including pension.

The writ petition is accordingly allowed setting aside the order dated 19.03.2012 passed by the Tribunal in T.A.No.13/2011 in W.P.No.13072 of 2002 and also the letter dated 13.06.2001 issued by the Government of India. Respondents 1, 2 and 4 shall take into account the past service rendered by the petitioner in NISIET for the purpose of re-computing his terminal benefits and also extend to him the benefit of pension, as it is an admitted fact that he would then have more than the requisite service for availing the benefit of the Rules of 1972 in this regard. Upon such re-computation, in the event the petitioner is required to refund any amount from the sum already received by him without prejudice, the authorities shall address a letter to him in that regard stipulating the time frame within which he is required to make the refund. Thereafter, the petitioner shall be extended the benefit of this order, including payment of pension. The re-computation and calculation of the refundable amount, if any, shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR, J

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M.GANGA RAO, J

12TH NOVEMBER, 2018
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