

F.No 11-1/2016-CA-VI
Govt. of India
Ministry of Agriculture & Farmer Welfare
Deptt. of Agriculture, Cooperation & Farmer Welfare
Oilseed Division

480, Krishi Bhawan,
New Delhi
Dated : 23.01.2018

To

Jajna Narayan Padhy
House No. 492/28,
Street No. 8, Opp. Geeta Ashram Road,
Jyoti Park, Gurgaon-122001

Sub: RTI application Registration No. DOA&C/R/2018/50073 dated 22.01.2018 of Sh. J.N.Padhy regarding providing the certified copies of documents in r/o applicability of pension of th petitioner employees of NOVOD Board.

Sir

Please refer your RTI request dated 22.01.2018 received online on the subject mentioned above. In this context, it is to inform you that desired information (i.e the certified photocopies of the note sheets as requestd by you are enclosed herewith) is ~~being~~ sent to you on the following address :-

Jajna Narayan Padhy
House No. 492/28,
Street No. 8, Opp. Geeta Ashram Road,
Jyoti Park, Gurgaon-122001

2. Name and address of the Appellate Authority in r/o this CPIO is as under :

Dr. B.Rajender,
Joint Secretary (OS),
Room No. 297,
2nd Floor, Krishi Bhawan,
New Delhi-110001

Yours faithfully,


(Dr. Anupam Barik)

Additional Commissioner (Oiseeds) & CPIO

Copy forwarded for necessary action to:

1. RTI Cell, DAC, w.r.t RTI Request Registration No. DOA&C/R/2018/50073 dated 22.01.2018 or information
- ✓ 2. SO(Oilseeds), Shastri Bhawan for information and uploading the reply on RTI website of DAC&FW

for Sh. B. Rajender (JA)

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Ministry of Law & Justice
Department of Legal Affairs

FTS No.2970/10/Adv. B'

The present reference is from Department of Agriculture & Cooperation regarding examining the feasibility for filing of SLP against the order dated 08.04.2010 passed by the Hon'ble High Court of Punjab & Haryana in W.P.No. 17557/2009, in the matter of UOI Ors. Vs. Central Administrative Tribunal and & other.

2. The details of the reference on pre-pages. Order of the Honble High Court is at F/A .

3. The brief facts of the case are that the present reference is related to pensionary benefits. Applicants are the employees of National Oilseeds & Vegetable Oil Development (NOVOD) Board except applicant no.1 who is the widow of Late Sh. R.K. Dhar, Asstt. Director (OS) of the Board. On death of her husband, she prayed for grant of pension and retirement benefits in support of her claim she cited the case of one Ms. Saraswati Devi, s/o Late Sh. Umesh Jha, she has claimed parity with her in as much as has been allowed pensionary benefits by the Board vide order dt.12.3.1996. But, the same was rejected by the Respondents.

4. Then the petitioners had filed an O.A. before the CAT Chandigarh Bench. The Hon'ble CAT has decided the matter with the following directions as follows :-

"We have given deep consideration to the matter and perused the records placed before us. Since the Board has not made any separate regulation in this regard so far and the provision of NOVOD Board Act, 1988 Regulation 13 as stated above makes it very clear that till such time separate regulations are made for its employees, the employees of the Board are entitled to be paid leave, allowances, pension and retrial benefits etc. in accordance with the rules applicable to the employees of the Central Govt. of similar rank. Therefore, the fact that some other similar institutions are following their own policy, does not make any difference with regard to the entitlements of the employees of the NOVOD Board. The fact that the NOVOD Board Act authorizes the Board to frame its alternative pension scheme/contributory pension scheme does not absolve them to their responsibility of payment of pension to the employees of their dependents (family pension) as per Govt. of India CCS (Pension) Rules, 1972 as the Board was specifically authorized as an autonomous body to shift from non contributory system of pension to contributory system of pension and do not need approval from the Government to do so. Respondents' stand with regard to payment of pension and pensionary benefits to the widow of Sh. Umesh Jha as exceptional case is not justifiable and amounts to discrimination in violation of Article 14 of Constitution of India if such benefit is not granted to other similarly situated persons. In the absence of such scheme in existence in the Board, we are of the considered opinion that the case of the applicant must be considered by the Respondents Board for grant of retrial benefits in accordance with the Rules applicable to the officers and employees of the similar rank of Central Govt., within a period of four months from the date of receipt of copy of this order."

5. Then the referring department had challenged the aforesaid order before the Hon'ble High Court of Punjab & Haryana by way of Writ Petition No. 17557/2009. The Hon'ble High Court has dismissed the same as :-

"we are of the view that no case is made out warranting interference of this Court in the order of the Tribunal. Learned counsel for the petitioner has not been able to point out any rule or regulation which might have been framed for governing the service conditions, pay, pension and allowances etc. in respect of the employees of the Board. We repeatedly asked the learned counsel the aforesaid question but no satisfactory answer has been given by him. The writ petition does not merit admission and the same is accordingly dismissed."

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25/04/18