

(2001) 01 PAT CK 0006
In the Patna High Court
Case No : L.P.A. No. 154 of 2003

The Regional Provident Fund Commissioner, Bihar, Patna
Vs

APPELLANT

Nanda Ram and Others

RESPONDENT

Date of Decision : 15-01-2001

Acts Referred:

Citation : (2004) 2 PLJR 556

Hon'ble Judges : R.S. Garg, J; Nagendra Rai, J

Bench : Division Bench

Advocate : Ram Shankar Pradhan, for the Appellant; Shambhu Sharan Singh, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the appellant and the learned counsel for the Respondent No. 1. The appeal is directed against the order dated 4.2.2003 [Reported in State of Karnataka Vs. Mohamed Nazeer @ Babu,] whereby the learned single Judge has directed for payment of Rs. 600/- per month as pension under the Employees' Pension Scheme, 1995. The matter depends upon interpretation of sub-paragraph (5) of Paragraph 12 of the Employees Pension Scheme which heads-Monthly members pension". It is relevant to quote sub-Para (5) of Paragraph 12 of the aforesaid Pension Scheme. (5) In the case of an employee who is a member of the existing Family Pension Scheme, 1971, and who has attained the age of 53 years or more on 16th November, 1995, the superannuation/retirement pension shall be equal to the aggregate of :

(a) Pension as determined under Sub-paragraph (2) for the period of service rendered from 16th November, 1995, per month or Rs. 335 per month whichever is more;

(b) Past service benefits provided in sub-paragraph (3) subject to the minimum of Rs. 500 per month, provided the past service is 24 years:

Provided further that if it is less than 24 years, the pension payable and the past

service benefit shall be proportionately lesser but subject to the minimum of Rs. 265 per month.

It is an admitted fact that the petitioner has rendered less than 24 years of service. It is also admitted that the petitioner was beneficiary of 1971 Scheme. In that view of the matter under clause (a) the petitioner is entitled to get Rs. 335 per month and under clause (b), since he has less than 24 years of service in his credit, he is entitled to get minimum amount of Rs. 265 per month. Thus the total amount he is entitled is Rs. 600 per month. In our view the learned single Judge has rightly held so. Accordingly there is no merit in this appeal. The same is dismissed.